

(2021) 06 MP CK 0069

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.28139 Of 2021

Ranveer Singh Lodhi

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: June 11, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 294, 307, 506

Hon'ble Judges: S.A.Dharmadhikari, J

Bench: Single Bench

Advocate: Anurag Sharma, Vijay Sundaram

Final Decision: Allowed

Judgement

S.A.Dharmadhikari, J

The applicant has filed this second application under section 439 of the Cr.P.C. for grant of bail. First application was dismissed as withdrawn vide order dated 22.04.2021 passed in M.Cr.C. No.14374/2021.

The applicant has been arrested on 03.02.2021 by Police Station "Ater, District Bhind (M.P.) in connection with Crime No.16/2021 registered in relation to the offence punishable under Sections 307, 294, 506, 34 of IPC.

Allegations against the applicant and other co-accused persons, in short, are that on 31.01.2021 at about 7.30 in the evening when the complainant was

sitting outside the house, at that time three persons came and due to previous enmity, started abusing him filthily and when he stopped them, present

applicant Ranveer and co-accused Madho exhorted the co-accused Feran Singh to fire a gun shot, who was wielded an Adhiya of 315 Bore.

Thereafter co-accused Feran Singh fired the gun shot, which hit on the left leg of the injured. Thereafter, the injured was taken to the hospital. On the basis of aforesaid, crime has been registered.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He is in custody since 03.02.2021. Charge sheet

has been filed and therefore, no further custodial interrogation is required. It is further submitted that the main accused is Feran Singh. No overt act

has been assigned to the present applicant. The only allegation on the applicant is of exhortation and the applicant was bare handed. The present

applicant is a senior citizen aged about 61 years and therefore, he is entitled for the benefit of the directions issued by the Division Bench at Principal

Seat Jabalpur in W.P. No.9320/2021. Disposal of the matter will take long time. It is further submitted that trial is held up due to COVID-19 and the

applicant cannot be kept in custody for an unlimited period without any substantial reason. It is further submitted that in view of outbreak of COVID-

19, detention of the applicant in already congested prison may be detrimental. The applicant is a permanent resident of District Bhind (M.P.) and there

is no possibility of his absconsion or tampering with the prosecution evidence. The applicant is ready to abide by all the terms and conditions as may be

imposed by this Court. Under these grounds, applicant prays for grant of bail.

Learned Panel Lawyer for the State opposed the application by contending that on the basis of the allegations and the material available on record, no

case for grant of bail is made out. He further submitted the applicant is aged about 51 years and not 61 years as per the impugned order, therefore, he

is not entitled for the benefit as claimed. It is also submitted that there are four criminal cases registered against the present applicant. On all such

grounds, he prays for rejection of bail application.

In response, learned counsel for the applicant submits that the applicant has been acquitted in all four criminal cases and at present no criminal case is

pending against him.

However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

Considering the overall facts and circumstances of the case coupled with the fact that trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty so also considering the fact that in view of second wave of COVID-19 pandemic and with a need to decongest the jail, which are the potential hot spots for spread of infection, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant namely "Ranveer

Singh Lodhi be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one local sureties of the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

The applicant shall also furnish a written undertaking before the concerned court that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of Corona virus.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him.
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.