

(2021) 07 MP CK 0041

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.32997 Of 2021

Lattu @ Ramsharan
Kareda

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision: July 6, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 294, 323, 324, 394, 395, 397, 456, 506
- Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 - Section 11, 13
- Arms Act, 1959 - Section 25, 27

Hon'ble Judges: Rajeev Kumar Shrivastava, J

Bench: Single Bench

Advocate: Rajeev Budholiya, Dheeraj Budholiya

Final Decision: Allowed

Judgement

Rajeev Kumar Shrivastava, J

This is first application under Section 439 of CrPC for grant of bail.

The applicant has been arrested on 07/4/2021 in connection with Crime No.19/2021 registered at Police Station Bhaguwapur, District Datia for

offence under Sections 323, 324, 294, 456, 506, 394, 395 and 397 of IPC and Section 25/27 of Arms Act and Sections 11, 13 of MPDVPK Act.

It is submitted by learned counsel for applicant Lattu @ Ramsharan Kareda that the applicant has been falsely implicated. He has not committed any

offence. He is in jail since last three months. Co-accused Mukesh Chauhan has already been granted bail by this Court by order dated 25/6/2021

passed in MCRC No.31176/2021 and the case of the present applicant is also on the same footings. It is further submitted that the applicant

undertakes to get vaccinated as early as possible and shall file the complete vaccination certificate before the trial Court. Hence, prayed for grant of bail to the applicant.

Per contra, learned State counsel opposed the bail application and has submitted that the applicant has a criminal history of three cases and one

country-made pistol has also been recovered from the possession of the applicant in the present case. Hence, prayed to reject the bail.

Heard learned counsel for the rival parties and perused the materials available on record.

Considering the fact that co-accused Mukesh Chauhan has already been granted bail, without commenting on merits of the case, the application is

allowed and it is hereby directed that the applicant shall be released on bail his furnishing personal bond of Rs. 1,00,000/- (Rupees One Lakh only)

with one solvent surety in the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his Corona Virus test shall be conducted and if it

is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if the test is

found positive then the applicant shall be immediately sent to concerning hospital for her/his treatment as per medical norms. If the applicant is fit for

release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local

administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State

Govt. or Local Administration for combating the COVID-

19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local

Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him/her in

custody and would send him/her to the same jail from where he/she was released.

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 them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence of which he is accused;
5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;
- 6 . The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
- 7 . The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Public

Prosecutor to send E-copy of this order to SHO of concerned police station for information; and

8. The applicant shall mark his presence before the SHO of concerned Police Station on 1st of every month till conclusion of the trial. The concerned

SHO is directed to submit attendance report of the applicant before the Principal Registrar of this Court once in every quarter of a year.

As submitted by learned counsel for the applicant, applicant is further directed to get vaccinated as early as possible and shall file the complete

vaccination report before the Trial Court.

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for Compliance.

Certified copy/ e-copy as per rules/direction.