
(2021) 01 MP CK 0107

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.30556 Of 2020

Abhishek @ Dadu Singh

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 201, 294, 302, 307, 323, 506

Citation : (2021) 01 MP CK 0107

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : Manish Datt, Ashish Kurmi

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

This is the second repeat bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No

246/2019 for offences punishable under Sections 294, 323, 506, 201, 307 and 302 read with section 34 of IPC registered at Police Station-Chandia,

Dist. Umaria (MP). The applicant is in judicial custody since 06.11.2019.

The allegations against the present applicant is of having caused the death of Rahul Singh along with other coaccused persons and caused injuries to

Lavkesh Singh who is the injured witness and also scribe of the FIR.

Learned counsel for the applicant submits that the applicant is innocent and he is in custody since 06.11.2019 and due to Covid situation there is no

progress in the trial. It is also submitted by the learned counsel for the applicant that the name of the applicant does not find place in the FIR and he

was subsequently added as an accused in the matter. Learned counsel for the applicant further submits that co-accused Mahendra Pratap Singh alias

Mukesh Singh has already been granted bail by this court in M.Cr.C. No. 20261/2020 vide order dated 13.08.2020 and the case of the present

applicant is similar to that of co-accused. There is no likelihood of applicant absconding and tampering with the prosecution evidence and his further

custody is not required in this case. On the aforesaid grounds, prayer is made to release the applicant on bail.

Learned panel lawyer has opposed the submissions made on behalf of the applicant and prayed for rejection of the bail application.

Looking to the facts and circumstances of the case and the fact that the name of the present applicant does not find place in the FIR and he has been

arrayed as an accused in the matter subsequently and also keeping the concept of parity in mind as stated above, this application is allowed without

commenting anything on the merits of the case. It is ordered that applicant/accused Abhishek alias Dadu Singh be released on bail on his furnishing a

personal bond for the sum of Rs.1,00,000 /- (Rs. One lac Only) with a solvent surety in the like amount to the satisfaction of the trial court for securing

his presence before the said Court on all the dates of hearing fixed in this regard during trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Suo Moto Writ Petition(C) No. 1/2020

and ensure, that the Applicant is examined by the jail doctor before his release. If applicant show symptoms of COVID 19, the doctor shall forthwith

direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID 19 patients. If the doctor is of the

opinion that the Applicant is not affected with the virus, the jail authorities shall ensure their transportation from the jail till his place of residence.

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 trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to

dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit any offence during the entire period of bail.

5. The applicant will not seek unnecessary adjournments during the trial;

6. The applicant will not leave India without previous permission of the trial Court;

7. The applicant shall inform the Court about his/her address and residence in case the applicant moves out from his/her permanent address for any point of time; and

8. The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become

ineffective and cancelled without reference to this Bench.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for

cancellation of bail granted today.

Certified Copy on payment of usual charges.