
(2021) 06 MP CK 0199

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.31883 Of 2021

Annu @ Arun Patel And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 29-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 323, 324, 506

Citation : (2021) 06 MP CK 0199

Hon'ble Judges : Rajendra Kumar Srivastava, J

Bench : Single Bench

Advocate : Rambihari Gautam,, Yaduvendra Dwivedi

Final Decision : Allowed

Judgement

Rajendra Kumar Srivastava, J

This is first bail application filed by the petitioner under Section 439 of the Code of Criminal Procedure.

The petitioners are in custody since 14.06.2021 in connection with Crime No.224/2021 registered at Police Station-Sanjivni Nagar, Distt.- Jabalpur

(M.P.) for the offence punishable under Section 294, 323, 324, 506, 34 of IPC.

As per prosecution case on dated 26.05.2021, in the evening at about 7 P.M. complainant Vickky @ Numan Khan alongwith his friends Sanjay

Ahirwar, Ilu @ Himachal Tiwari, Sagar Valmik and Manya where present petitioners-accused were present. Some altercation took place between

both the parties. Then other co-accused Manish Patel and Madan Patel inflicted injury by knife to the complainant Vickky @ Numan Khan. Then

present petitioners-accused beat him by kick and fists to the complainant-Numan Khan and he received grievous injury which is dangerous to life. FIR

was lodged.

Learned counsel for the petitioners-accused submits that the petitioners-accused have been falsely implicated in this case. Actually, they did not

participate in this incident. Complainant himself reached house of co-accused Madan Patel with his friends. There took altercation took place between

both the parties but petitioners-accused did not inflict any injury to the complainant. It is admitted fact that at the time of incident, petitioners-accused

have no weapon. Petitioners-accused are in custody since 14.06.2021. They have no previous criminal antecedent. No further custodial interrogation

is required in this case. It is the time of pandemic COVID-19 due to which conclusion of trial will take time for final disposal. There is no probability of

their absconding or tampering with the prosecution evidence. The accused/petitioners are ready to furnish bail as per the order, abiding with all

conditions imposed by the Court. On these grounds, learned counsel for the petitioners prays for grant of bail to the petitioners.

Per-contra, learned Panel Lawyer opposes the bail application. After hearing arguments of the parties and looking to the facts and circumstances of

the case as also the facts that at the time of incident, complainant himself reached the house of co-accused Madan and Manish Patel, it is also

admitted fact that at that time petitioners-accused have no weapon, they did not inflict any injury by any weapon to the complainant, it is alleged by the

prosecution that present petitioners beat complainant by kick and fists, petitioners-accused are in custody since 14.06.2021, no further custodial

interrogation is required in this case, it is the time of pandemic COVID-19 due to which conclusion of trial will take time, there is no probability of their

absconding or tampering with the prosecution evidence, so it is not appropriate to keep them in jail during whole trial, therefore, without commenting on

merits of the case, application of the petitioners under Section 439 of the Cr.P.C. seems to be acceptable. Consequently, it is hereby allowed.

It is directed that petitioners-Annu @ Arun Patel, Nittu @ Niraj Patel & Raja @ Rajendra Patel be released on bail on their furnishing a personal bail

bond in the sum of Rs.50,000,- (Rupees Fifty Thousand Only) each with one solvent surety each of the same like amount to the satisfaction of the

JMFC concerned or trial Court for their appearance before the trial Court on the dates given by the concerned Court.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the petitioner shall also comply the rules and norms of social distancing.

Further, in view of the order passed by the Hon'ble Supreme Court in suo moto W.P.No.1/2020, it would be appropriate to issue the following direction

to the jail authority:-

1. The Jail Authority shall ensure the medical examination of the petitioners by the jail doctor before their release.

2 . The petitioners shall not be released if they are suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.

3 . If it is found that the petitioners are suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing them in appropriate quarantine facility.

Certified copy as per rules.