

(2020) 10 MP CK 0041

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 34542 Of 2020

Bhura @ Radheshyam Kanjar

APPELLANT

Vs

State Of M.P.

RESPONDENT

Date of Decision : 01-10-2020

Acts Referred:

Madhya Pradesh Excise Act, 1915 — Section 34(2)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 10 MP CK 0041

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Vijay Sundaram, V.P.S.Tomar

Final Decision : Allowed

Judgement

Matter is heard through Video Conferencing.

The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 5.9.2020 by Police Station, Indergarh, District Datia, in connection with Crime No.216/2020 for the offence punishable under Section 34(2) of the Excise Act. First application has been dismissed vide order dated 18.8.2020.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 5.9.2020. As per allegation, 7 boxes containing 350 quarters of country-made liquor have been seized from the illegal possession of applicant. Although applicant has criminal record of certain cases, but they are not of any grave offence and now he learnt the lesson hard way and would mend his ways and become a better citizen. Confinement amounts to pretrial detention. He undertakes to cooperate in investigation/ trial On these premises, he prayed for bail

Learned counsel for the State opposed the prayer and prayed for dismissal of the bail application.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them.

Considering the submissions advanced by learned counsel for the applicant as well as fact situation of the case, but without expressing any opinion on the merits of the case, this application is allowed. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) along with one solvent surety of the like amount to the satisfaction of trial Court.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his preliminary Corona Virus test shall be conducted and if he is found positive then the applicant shall be immediately sent to concerned hospital for his treatment as per medical norms but if he is found negative, then he shall be released. After his 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 Covid19.

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 similar to the offence of which he is accused ;
5. Applicant will not seek unnecessary adjournments during trial ;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
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.

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for compliance, if possible from the office of this Court.

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