

(2021) 06 MP CK 0143

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 29896 Of 2021

Chhotu Alias Pratham Alias Shyamveer Gurjar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 392, 395

Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 — Section 11, 13

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 06 MP CK 0143

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : Anand Purohit, Avneesh Singh

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

This is the first bail application u/S.439 Cr.P.C filed by the applicant for grant of bail.

Applicant has been arrested on 11.2.2020 by Police Station Sesaipura, District Sheopur (MP) in connection with Crime No. 10/2016 registered for the

offence punishable under sections 392, 395, of IPC and sections 11/13 of MPDVPK Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. The applicant is in custody since 11.2.2020. It is

further submitted that co-accused have been granted the benefit of bail by Co-ordinate Bench as well as by this Court and the applicant is on same

footing. Under these circumstances, he prays for grant of bail.

Learned Public Prosecutor for the respondent/State opposed the prayer and prayed for dismissal of the application.

Heard learned counsel for the parties at length through Video Conferencing and considered the arguments advanced by them and perused the case

diary.

Considering the submissions advanced by the counsel for the applicant and the fact that coo-accused have been granted the benefit of bail and the

applicant is on same footing, without expressing any opinion on the merits of the case, the application is allowed and it is hereby directed that the

applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/-(Rupees Fifty Thousand Only) with one solvent surety in the like

amount to the satisfaction of the Court concerned for his regular appearance before the trial Court concerned on the dates fixed by it.

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 his test is

found positive then the applicant shall be immediately sent to concerning hospital for 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 Covid19. 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 in custody and would send him to the same jail from where he was released.

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

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;
2. The applicant/s will cooperate in the investigation/trial, as the case may be;
3. The applicant/s will not indulge himself/herself/themselves 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/s shall not commit an offence similar to the offence of which he/she is accused; in case of repetition of any offence, this bail order

shall stand cancelled automatically;

5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;

6. The applicant/s will not leave Gwalior and India without previous permission of the trial Court/Investigating Officer, as the case may be; and

7. The applicant/s will inform the SHO of concerned Police Station about his/her/their residential address in the said area and it would be the duty of

the State Counsel 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 for the office of this Court.

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