

(2020) 10 MP CK 0040

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 33237, 34605 Of 2020

Deepak Sharma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 01-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 379, 419, 420, 483

Citation : (2020) 10 MP CK 0040

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Ankit Saxena, Bhasker Pandey

Final Decision : Allowed

Judgement

This order shall also govern the disposal of M.Cr.C. No.34605/2020 as both the applications have arisen out of the same crime number.

M.Cr.C. No.33237/2020 is the second application for bail under Section 439 of Cr.P.C. on behalf of applicant - Deepak Sharma and his first application i.e. M.Cr.C. No.23941/2020 was dismissed as withdrawn by this Court vide order dated 04.08.2020.

M.Cr.C. No.34605/2020 is the first application for bail under Section 439 of Cr.P.C. on behalf applicant - Chaitanya Kumar Hanote.

Both the applicants, namely, Deepak Sharma and Chaitanya Kumar Hanote are in custody since 29.06.2020 and 30.06.2020 respectively in connection with Crime No.346/2020 registered at Police Station Shahpura, District Bhopal (M.P.) for the offences punishable under Sections 420, 419, 483, 379 and 34 of IPC.

Counsel for the applicants have submitted that the charge-sheet in the present case has already been filed. It is further submitted that the allegations against the applicants are that they impersonating themselves as the authorized

representatives of Maruti Service Center obtained the vehicle from the complainant and fled from the spot. Counsel for the applicants have further submitted that there are no criminal antecedents of the applicants.

Counsel for the respondent/State on the other hand has opposed the prayer.

Having considered rival submissions, taking note of the fact that the charge sheet has already been filed and there are no criminal antecedents of the applicants and also looking to the fact that the final conclusion of the trial is likely to take sufficiently long time on account of Covid-19 situation, without commenting on the merits of the case, both the applications are allowed.

It is directed that applicants, namely, Deepak Sharma (M.Cr.C. No.33237/2020) and Chaitanya Kumar Hanote (M.Cr.C. No.34605/2020) shall be released on bail upon their furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with separate surety in the like amount each to the satisfaction of the concerned C.J.M/trial Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

The prison authorities are also requested to ensure compliance of the order passed by the Supreme Court in Writ Petition No. 1/2020 and ensure that the applicants are examined by the jail doctor before their release.

If the applicants show symptoms of COVID-19, the doctor shall forthwith direct them 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 applicants are not affected with the virus, the jail authorities shall ensure their transportation from the jail to their place of residence.

A typed copy of this order be forwarded to the Office of the Advocate General and to Shri Piyush Jain, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Learned Court below.

With the aforesaid, both the applications filed under Section 439 of the Cr.P.C. stand allowed and disposed of.

Certified copy as per rules.