

(2021) 08 MP CK 0131

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.41588 Of 2021

Gorelal @ Bhurelal Meena

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-08-2021

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 21
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 08 MP CK 0131

Hon'ble Judges : Rajendra Kumar Srivastava, J

Bench : Single Bench

Advocate : F.A. Shah, Sangam Jain

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

The applicant has filed this first application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 16/6/2021 in connection with Crime

No.130/2021 registered at Police Station Physical Shivpuri, District Shivpuri for offence under Section 8/21 of NDPS Act.

It is submitted by learned counsel for the applicant- Gorelal @ Bhurelal Meena that the allegation of recovery of 25 gms smack from the possession of

the applicant is false. He has not committed any offence. It is further submitted that the applicant is in jail since last more than one month.

Investigation is complete and chargesheet has been filed. Trial will take long time to conclude. It is also submitted that in case of grant of bail, in

addition to the conditions imposed by this Court, applicant is ready and willing to deposit a sum of Rs.5,000/- with the High Court Legal Aid Services

Authority for treatment of visually impaired children. Hence, prays for grant of

bail to the present applicant. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Learned State counsel has vehemently opposed the application and prayed to reject the bail application.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the fact that investigation is complete and charge-sheet has been filed and trial will take long time to conclude, without commenting upon

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 personal bond of

Rs.1,00,000/- (Rupees One Lakh 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 :-

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 any offence otherwise this bail order shall automatically stand cancelled;
5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
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.

8 . The applicant shall mark his presence before the SHO of the concerned police station on 1st of Every Month till conclusion of the trial.

9 . As submitted by learned counsel for the applicant above, applicant is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) with the

Secretary, High Court Legal Aid Services Authority, Gwalior, which shall be utilized for treatment of visually impaired children.

Application stands disposed of in above terms.

E-copy of this order be sent to the trial Court concerned for compliance.

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