

(2021) 03 MP CK 0038

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 12592 Of 2021

Manish @ Ranu Sharma

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 08-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 294, 336, 354, 427, 452, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 03 MP CK 0038

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Nirmal Sharma, A.K.Nirankari

Final Decision : Allowed

Judgement

Vishal Mishra, J

The applicant has filed this second application u/S.439 Cr.P.C. for grant of bail. The applicant has been arrested on 09.12.2020 by Police Station

Dehat, District Shivpuri in connection with Crime No.438/2020 registered in relation to the offence punishable u/Ss. 294, 336, 506, 452, 427 of IPC.

It is submitted by the counsel for the applicant that first bail application was dismissed on merits by this Court vide order dated 12.01.2021 in

M.Cr.C.No.52816/2020. The applicant has been falsely implicated in this case and he has not committed any offence in any manner. Allegation

against the present applicant is that he forcefully entered into house of complainant and pelted stones and attempted to cause injury. The aforesaid act

has been done to pressurize the complainant to compromise the previous case registered against the present applicant. The investigation is over in the

matter and the charge sheet has been filed on 21.12.2021. As far as the criminal

history of the present applicant are concerned, the prosecution has shown total seven cases which are registered against the present applicant, out of which, order sheets of the two cases have been filed in which the applicant was already acquitted. Remaining offences are petty offences in which the applicant are on bail. The applicant is ready to abide by all the terms and conditions that may be imposed by this court while considering the application for grant of bail. There is no possibility of his absconding or tampering with the prosecution case. Under these circumstances and looking to the custody period of the applicant, learned counsel for the applicant prays for grant of bail to the applicant.

Per contra, learned Govt. Advocate for the State has opposed the bail application stating that the applicant is habitual offender and is having criminal history of seven cases. However, filing of the charge sheet is not disputed by the State counsel. It is argued that earlier an offence under Section 354 of IPC had been got registered by the complainant against the applicant and thereafter, just to create pressure upon the complainant, the applicant had entered the house of complainant by breaking the doors of her house, therefore, present case has been registered against the applicant. He has prayed for rejection of this bail application.

Considering the overall facts and circumstances of the case, without commenting upon the merits of the case, this Court deems it appropriate to allow this application.

The application is allowed. The applicant is directed to be released on bail on furnishing surety bond of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of the Investigation Officer/ trial Court, as the case may be with submission of written undertaking and the applicant will abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel Corona Virus (COVID -19) pandemic and he will have to install Arogya Setu App, if not already installed.

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 him 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. The applicant will not move in the vicinity of complainant party and the 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. In case of involvement of the present applicant in any other offence, the benefit of bail granted by this Court shall stand cancelled automatically
8. The applicant will inform the concerned S.H.O. of concerned Police Station about his residential address in the said area and it would be the duty of the Govt. Advocate to send E-copy of this order to SHO of concerned police station as well as the concerning Superintendent of Police who shall inform the concerned SHO regarding the same.

Application stands allowed.

In view of the COVID-19, jail authorities are directed that before releasing the applicant, medical examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that he is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be ensured, otherwise applicant shall be released immediately on bail and shall be given a pass or permit for movement to reach his place of residence.

Certified copy as per rules.