

(2021) 02 MP CK 0130

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.8878 Of 2021

Monis Alias Sohil Khan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-02-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 489A, 489B, 489C, 489D
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 02 MP CK 0130

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : F.A.Shah, Nitin Goyal

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

The applicant has been arrested on 9/1/2021 in connection with Crime No.12/2021 registered at Polce Station Kolaras, District Shivpuri(M.P.) for offence under Sections 489-A, 489-B, 489-C, 489-D, 34 of the IPC.

It is submitted by learned counsel for the applicant- Monis @ Sohil Khan that the applicant is custody since 9/1/2021. He is innocent. He has been

falsely implicated in the case and co-accused Raja @ Sarpraj Khan has already been enlarged on bail vide order dated 4.2.2021 in M.Cr.C. No. 6085

and the case of the present applicant is on same footing. The allegations made against the applicant is of making counterfeit note of Rs.200/- by using

computer. It is further submitted that there is no criminal antecedent against the present applicant. Investigation and trial will take its own time. Hence,

prays for grant of bail to the 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 counsel for the State opposed the prayer and prayed to reject the bail application of the applicant.

Heard learned counsel for the rival parties and perused the materials available on record.

Considering the facts and circumstances of the case and also considering the fact that co-accused has already been enlarged on bail and the case of

the applicant is of same footing, without commenting on 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.75,000/- (Rupees Seventy Five Thousand only) with one solvent surety of the like amount to

the satisfaction of the Court concerned for his regular appearance before the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicants, 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 the 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.