
(2020) 12 MP CK 0178

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.49998 Of 2020

Muniya @ Balbeer Khatik

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 21-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2020) 12 MP CK 0178

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : A.S. Parihar, Anoop Sonkar

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

For the reasons mentioned in the application, the same is allowed and the applicant is exempted from filing the certified copy of the impugned order.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No. 541/2020

registered at P.S. Nagod District Satna (M.P.) for the offence punishable under section 34 (2), of the M.P. Excise Act.

As per the prosecution story, from the joint possession of applicant and co-accused 63 bulk liters illicit liquor has been seized.

Learned counsel for the applicant submits that the applicant is innocent and he is in custody since 02.10.2020 and due to Covid situation there is no

progress in the trial. It is further submitted that applicant is a first offender and no other case for the similar nature of offence has been registered

against him. He further submitted that co-accused Raj Hameed has been

enlarged on bail by this Court vide order dated 20.11.2020. There is no likelihood of applicant absconding and tampering with the prosecution evidence and his further custody is not required in this case. On the aforesaid grounds, prayer is made to release the applicant on bail.

Learned panel lawyer has opposed the submissions made on behalf of the applicant and prayed for rejection of the bail application however, conceded the fact that applicant has no criminal antecedents.

Looking to the facts and circumstances of the case alongwith the role attributed to the applicant in offence and period of custody as well as the fact

that no other case for the similar nature of offence has been registered against him and in near future there is no hope that trial will proceed further

and will be concluded due to Covid situation, this application is allowed without commenting anything on the merits of the case. It is ordered that

applicant/accused be released on bail on his furnishing a personal bond for the sum of Rs. 60,000/- (Rs. Sixty Thousand Only) with a solvent surety in

the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard

during trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Suo Moto Writ Petition(C) No. 1/2020

and ensure, that the Applicant is examined by the jail doctor before his release. If applicant show symptoms of COVID 19, the doctor shall forthwith

direct him 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 Applicant is not affected with the virus, the jail authorities shall ensure their transportation from the jail till his place of residence.

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 trial;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact 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 any offence during the entire period of bail.
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court;
7. The applicant shall inform the Court about his/her address and residence in case the applicant moves out from his/her permanent address for any point of time; and
8. The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for cancellation of bail granted today

Certified Copy on payment of usual charges.