

(2021) 07 MP CK 0019

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.31483 Of 2021

Pankaj Kushwaha

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 120B, 201, 419, 420, 467, 468, 471
Information Technology Act, 2000 — Section 66B

Citation : (2021) 07 MP CK 0019

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Saurabh Shrivastava, Rakesh Singh

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This second bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of bail in connection with

Crime No.100/2020 registered at Police Station Crime Branch, District Bhopal for the offence punishable under Sections 201, 420, 419, 467, 468, 471

& 120-B of IPC and under Section 66-B of I.T. Act. The applicant is in jail since 04/07/2020.

The first application of the applicant was rejected on merit vide order dated 02.12.2020 in M.Cr.C. No. 47614/2020.

Learned counsel for the applicant submits that the other co-accused persons in whose account the money has been deposited have been granted bail

by this Court vide order dated 21.12.2020 in M.Cr.C. No. 50378/2020 and M.Cr.C. No. 50841/2020 and, therefore, in order to maintain parity, the

present applicant who is, in fact an employee of the Firm against whom the offence of fraud has been registered is also entitled to be released on bail

On the other hand, Shri Rakesh Singh, learned Panel Lawyer has opposed the bail application.

Considering the aforesaid, without commenting anything on merit and to maintain parity, I am inclined to consider and allow this bail application.

Accordingly, the same is hereby allowed.

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) with one solvent

surety of the like amount to the satisfaction of the Court concerned for his appearance on the dates given by it. It is further directed that the applicant

shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

The jail authority is also directed to ensure that the applicant is examined by the jail doctor to ascertain that he is not afflicted with the COVID-19

virus. If the doctor suspects otherwise, the applicant shall be referred to the appropriate hospital for further management as per the protocol laid down

by the State.

In the event the jail doctor is of the opinion that the applicant can be released, then he shall be released.

Certified copy as per rules.