

(2021) 03 MP CK 0149

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 15858 Of 2021

Pradeep Singh Bhadoriya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 409, 420, 467, 468, 471

Citation : (2021) 03 MP CK 0149

Hon'ble Judges : Rajendra Kumar Srivastava, J

Bench : Single Bench

Advocate : Vijay Jha, Dheeraj Budholiya

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

The applicant has been arrested on 29/11/2020 in connection with Crime No.72/2017 registered at Police Station Karariya, District Vidisha for offence under Sections 420, 409, 120-B, 467, 468 and 471 of IPC.

It is submitted by learned counsel for applicant Pradeep Singh Bhadoriya that the applicant has been falsely implicated. He has not committed any offence. Applicant was a Panchayat Secretary at the time of incident. Incident is of the year 2016 and FIR was lodged in the year 2017. Applicant has already explained all the withdrawals done by him and each transaction was done through RTGS mode. It is further submitted that applicant is in custody since last almost four months. Now, investigation is complete and charge-sheet has been filed. Trial will take its own time. Hence, prayed for grant of bail to the applicant.

Per contra, learned State counsel opposed the bail application and has submitted that applicant has committed aforesaid offences while discharging duty as Panchayat Secretary and as per prosecution story, allegation is of committing breach of trust of Rs.16,92,200/-, therefore, prayed to reject the bail application.

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

Considering the custody period of the applicant as well as the fact that charge-sheet has already been filed and trial will take its own time, without commenting upon the merits of the case, the applicant 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 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 applicant, his/her 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/her house, and if the test is found positive then the applicant shall be immediately sent to concerning hospital for her/his treatment as per medical norms. If the applicant is fit for release and if he/she is in a position to make his/her personal arrangements, then he/she 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/her in custody and would send him/her to the same jail from where he/she 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/her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself/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 an offence of which he is accused;
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/her 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; and

8. The applicant shall mark his presence before the SHO of concerned Police Station fortnightly (every 15 days) till conclusion of the trial.

Application stands allowed and disposed of.

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

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