

(2021) 02 MP CK 0022

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.5606 Of 2021

Purshottam Chakravarti

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 03-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 201, 302

Citation : (2021) 02 MP CK 0022

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : HK Bangaiya, Shailesh Khampariya

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

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. 605/2020

registered at P.S. Patan District Jabalpur (M.P.) for the offence punishable under section 302,201 of the IPC

As per the prosecution story, applicant is alleged to have committed murder of the deceased.

Learned counsel for the applicant submits that the applicant is innocent and he is in custody since 12.10.2020 and due to Covid situation there is no

progress in the trial. It is further submitted that there is no direct evidence to connect the applicant with the crime and he has only been made accused

on the basis of suspicion and the case is based on circumstantial evidence.

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.

Looking to the facts and circumstances of the case and the fact that the case is based on circumstantial evidence 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 Purshottam Chakravarti be released on bail on his furnishing a personal bond for the sum of Rs. 1,00,000/-

(Rs. One lac 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

Â 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.