
(2020) 10 MP CK 0025

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 35423 Of 2020

Rahul Chokotiya

APPELLANT

Vs

State Of M.P.

RESPONDENT

Date of Decision : 01-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376, 323, 506

Citation : (2020) 10 MP CK 0025

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Manish Saxena, Rohan Sharma, Ravi Rajput

Final Decision : Disposed Of

Judgement

The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 02-08-2020 by Police Station Dabra, District Gwalior in connection with Crime No.107/2020 registered for offence punishable under Sections 376, 323, 506 of IPC. His earlier bail application was dismissed as withdrawn.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 02-08-2020. It is further submitted that applicant and prosecutrix entered into wedlock and they were living as couple. Prosecutrix is living at her in-laws' place. He referred marriage certificate of Arya Samaj dated 06-07-2020 to demonstrate the fact of marriage. It is further submitted that on false pretext applicant is suffering confinement since 02-08-2020. All these facts could not be referred in earlier bail application, therefore, this application is preferred. Looking to the prevailing condition of COVID-19, he seeks bail on sympathetic grounds also. He further undertakes not to be source of embarrassment and harassment to the complainant party in any manner and would cooperate in investigation/trial. He further undertakes to abide by all the terms and conditions of guidelines, 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.

Counsel for the State opposed the prayer and prayed for dismissal of the bail application.

Learned counsel for the complainant expressed his no objection and fairly submitted that prosecutrix is living at her matrimonial place and she intends to live as wife of the applicant.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them.

After considering the rival submissions as well as considering the peculiar fact situation, wherein, we are facing wrath of pandemic COVID-19, this Court is of the considered opinion that applicant deserves to be released on bail.

Considering the fact situation of the case and the challenging time of COVID-19 pandemic, but without commenting on the merits of the case, it is hereby directed that the applicant shall be released on bail, on his furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand only) alongwith one solvent surety of like amount to the satisfaction of trial Court and that he will have to install Arogya Setu App, if not already installed.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his preliminary Corona Virus test shall be conducted and if he is found negative, then he be released and if he is found positive then the applicant shall be immediately sent to concerned hospital for his treatment as per medical norms. After release, the applicant shall 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 of the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and Police Authorities shall immediately take him in custody and would sent him to the same jail from where he was released.

This order will remain operative subject to compliance of the following conditions by the applicants :-

- 1.The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge 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 similar to the offence of which he is

accused;

5. The applicant will not be a source of embarrassment or harassment to the complainant party in any manner 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. It is duty of the applicant not to harass and embarrass the prosecutrix in any manner and shall live as loving and caring husband.

8. The applicant will inform the SHO of concerned police station about his 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.

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.

Application stands disposed of.