

(2021) 05 MP CK 0026

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.21837 Of 2021

Rihana Bediya @ Abhishek

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 05-05-2021

Acts Referred:

Constitution Of India, 1950 — Article 51A(d)
Madhya Pradesh Excise Act, 1915 — Section 34(2)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 05 MP CK 0026

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : Madhukar Kulshreshtha, Purushottam Tanwar

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

I.A. No.12997/2020, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 10/02/2021 by Police Station Taintra,

Distt. Morena (M.P.) in connection with Crime No.02/2021 registered for offence under Section 34(2) of Excise Act.

It is submitted by learned counsel for the applicant â?" Rihana Bediya @ Abhishek that the applicant has not committed any offence. He has falsely

been implicated in this case. Applicant is in custody since 10/02/2021, i.e. for around three months. Learned counsel for the applicant submits that the

allegation of recovery of 414 litres of liquor from the possession of the applicant is false. It is further submitted that trial will take its own time. The

applicant is ready and willing to render his services as COVID warrior in addition to the conditions which may be imposed by this Court in case of

grant of bail. Hence, learned counsel prays for grant of bail to the present applicant. He further undertakes to abide by all the terms and conditions of

guidance, 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.

Learned State counsel has vehemently opposed the application and prayed to reject the same.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the facts and circumstances of the present case, and the fact that due to present situation of COVID-19 pandemic, trial will take its ow

time, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on

his furnishing personal bond of Rs.2,00,000/- (Rupees Two Lakhs only) with two solvent sureties each of Rs.1,00,000/- (Rupees One Lakh only) to the

satisfaction of the Court concerned for his regular appearance before the trial Court concerned on the dates fixed by it.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his 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 house, and if his test is

found positive then the applicant shall be immediately sent to concerning hospital for his treatment as per medical norms. If the applicant is fit for

release and if he is in a position to make his personal arrangements, then he 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 in custody

and would send him to the same jail from where he 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;

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 any kind of offence. In case of commission of any kind of offence, this bail order shall automatically

stand cancelled;

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 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.

8. The applicant shall enroll himself with the District Magistrate, Morena as COVID-19 Warrior by entering his name in a Register

named as COVID-19 WARRIOR REGISTER. The applicant then, shall be assigned work of COVID-19 disaster management at the

discretion of District Magistrate concerned by taking all prescribed precautions. The nature, quantum and duration of the work

assigned is left to the the wisdom of concerned District Magistrate. This Court expects that the applicant shall rise to the occasion to

serve the society in such crisis by discharging his fundamental duty of rendering national service when called upon to do so as per

Article 51-A(d) of the constitution.

Registry is directed to communicate this order through e-mail to the concerned District Magistrate for compliance of condition No.8.

The District Magistrate concerned is directed to intimate this Court in case

condition No.8 is not complied with and on receipt of any such intimation, Registry is directed to list the matter before appropriate Bench as PUD. 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/directions.