

(2021) 06 MP CK 0178

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.28966 Of 2021

Rod Singh S/O Bhagwan Singh Sondhiya

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 24-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 18, 29

Citation : (2021) 06 MP CK 0178

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Akash Rathi, Amit Rawal

Final Decision : Disposed Of

Judgement

Vivek Rusia, J

This is sixth repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.07/2016 registered at police station Narcotic

Cell, district Indore for the offence punishable under sections 8/18 & 29 of the NDPS Act.

Learned counsel for the applicant submits that during the pendency of this bail application son of the applicant expired on 15.06.2021. He was

suffering from cancer and he was 33 years of age at the time of death. He further submits that after the death of his son applicant is required to

manage the affairs of his children. He is in custody since 03.06.2016. The trial has not been concluded so far as trial is held up due to corona

epidemic. The co-accused Arjun and Govardhan have already been enlarged on bail by this Court. He is a permanent resident of Mandsaur, there is

no likelihood of his absconsion, hence he be enlarged on bail temporarily.

The factum of death has been got it verified by the learned Panel Advocate.

The applicant is in jail since 03.06.2016 and he has not been released so far even temporarily.

Considering the fact of bereavement in the family of the applicant, period of his custody and the delay in trial, the application is allowed in part with

conditions. He is directed to be released temporarily for a period of three months from the date of his release subject to his furnishing personal bond in

the sum of Rs.50,000/- (rupees fifty thousand) with one solvent surety in the like amount to the satisfaction of the trial Court for his surrender before

the trial Court immediately after completion of three months period. If the applicant fails to surrender on the said date, the trial Court shall be at liberty

to take appropriate action to secure his presence in accordance with law. The applicant shall also mark his presence before the concerned police

station on the first Monday of every month till his surrender before the trial court.

M.Cr.C. stands disposed of.

C.c as per rules.