

(2020) 10 MP CK 0213

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 22600 Of 2020

Samar Bahadur Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 379, 419, 420, 467, 468, 471

Citation : (2020) 10 MP CK 0213

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : Sankalp Kochar, Manoj Kumar Jha

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

Case diary is available with the learned Panel Lawyer.

This is first application filed by applicants u/S 439 CrPC for grant of bail in connection with Crime No.254/2020 registered at Police Station Civil Lines District Satna (M.P.) for the offence under Sections 419, 420, 379, 467, 468, 471 r/w section 34 of IPC.

As per prosecution case, the allegation against the applicants is that they along with other co-accused have committed theft of car from the shop of the complainant on the pretext of test drive. Therefore, the offence as aforesaid has been registered against them.

Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated. It is further submitted that the applicants have taken the car on rent but a false case has been made against him and the said car has been recovered. They are in custody since 26.06.2020 and looking to the pandemic situation of Covid 19, regular trial of the case is not possible. On these

grounds, learned counsel prays for grant of bail to the applicants.

Per contra, learned Panel Lawyer for the respondent/State opposes the bail application.

Heard counsel for the respective parties and perused the case diary. Considering the entire facts and circumstances of the case as well as the period of custody incarcerated by the applicants in jail and the pandemic situation of Covid 19, the application is allowed without commenting anything on the merits of the matter. The applicants namely; Samar Bahadur Singh and Sanjay Kol are directed to be released on bail upon their furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) each with a solvent surety each in the like amount to the satisfaction of the concerned Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of 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 Applicants are examined by the jail doctor before his release. If the Applicants 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 Applicants are not affected with the virus, the jail authorities shall ensure their transportation from the jail till their place of residence.

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge themselves 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 applicants shall not commit any offence during the entire period of bail.
5. The applicants will not seek unnecessary adjournments during the trial;
6. The applicants will not leave India without previous permission of the trial Court;
- 7 . The applicants shall inform the Court about their address and residence in case the applicants move out from their permanent address for any point of time; and
8. The applicants 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.