
(2020) 10 MP CK 0112

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 38623 Of 2020

Satyabhan @ Satte Manjhi And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Citation : (2020) 10 MP CK 0112

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Kuldeep Singh, Manoj Kushwaha

Final Decision : Allowed

Judgement

Mohd. Fahim Anwar, J

This is first application filed by applicants under Section 439 Cr.P.C for grant of bail in connection with Crime No.208/2020, registered at Police Station Indwar, District Umaria for the offence under Sections 457, 380, 411 of IPC.

The case of the prosecution is that in the mid-night of 15-16/09/2020 in the house of complainant Raju Yadav which is situated at village Indwar, some unknown persons have theft after making some hole in the back side wall of the house and have taken gold and silver jewellery and some cash. Report of the incident was lodged, on that basis, above mentioned crime has been registered against unknown persons. It is also alleged that during the course of investigation, applicants were apprehended and during interrogation, they have admitted the commission of crime. On their information and instance, the theft jewellery and cash were recovered.

Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated. The applicants have not committed any offence. The trial would take considerable time to conclude. They are permanent resident of the address mentioned in the application. The applicants are in custody since

22/09/2020. On these grounds, learned counsel prays for grant of bail to the applicants.

Per contra, learned Panel Lawyer for the State vehemently opposes the application. However, it is fairly stated that there is no criminal record against the applicants available in the case dairy.

Considering the entire facts and circumstances of the case and the exigency of Covid 19 disease, I find it is a fit case to release the applicants on bail who are in judicial custody since 22/09/2020. Hence, without commenting anything on the merits of the case, the application is allowed. It is directed that the applicants shall be released on bail on their furnishing personal bond in the sum of Rs.30,000/- (Rupees thirty thousand only) each with one solvent surety of the like amount to the satisfaction of the trial Court. The applicants shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the applicants shall also comply with the rules and norms of social distancing.

Further, in view of the order passed by the Hon'ble Supreme Court suo moto in W.P.No.1/2020, it would be appropriate to issue the following directions to the jail authority:-

- 1 . The Jail Authority shall ensure the medical examination o f the applicants by the jail Doctor before his release.
- 2 . The applicants shall not be released, if they are suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.
3. If it is found that the applicants are suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing them in appropriate quarantine facility.

This application stands allowed and disposed of. C.C., as per rules.