
(2021) 02 MP CK 0157

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.10544 Of 2021

Sourabh Singh Rajawat

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 24-02-2021

Acts Referred:

Mines And Minerals (Development And Regulation) Act, 1957 — Section 4, 21
Motor Vehicles Act, 1988 — Section 130(3), 177
Indian Penal Code, 1860 — Section 379, 414
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 02 MP CK 0157

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : Anand Purohit, Prabhakar Kushwaha

Final Decision : Allowed

Judgement

Sheel Nagu, J

This is the second repeat application filed u/S.439 Cr.P.C. for grant of bail by the petitioner after dismissal of earlier one as withdrawn without being

considered on merits vide order dated 31/12/2020 passed in M.Cr.C. No.53752/2020 with liberty to come again after filing of charge-sheet.

The petitioner has been arrested on 15/12/2020 by Police Station Ater, District Bhind (M.P.) in connection with Crime No.133/2020 registered in

relation to the offence punishable u/Ss.379, 414 of IPC and Sections 4, 21 of the Mines and Minerals (Development and Regulation) Act 1957 and

u/Ss. 130 (3)/177 of Motor Vehicle Act.

Learned counsel for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material

available on record, no case for grant of bail is made out.

Allegation against the petitioner who was a driver is that he was driving a tractor-trolley which was filled with unlawful mining sand.

New ground raised by learned counsel for the petitioner is that investigation in the matter is over by filing of charge-sheet before the trial Court on

13/02/2021 and therefore, further custodial interrogation of the petitioner is not necessary.

In view of above and considering the special circumstances of ongoing Covid-19 pandemic and the fact that petitioner has no criminal antecedents and

that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material

placed on record does not disclose possibility of petitioner fleeing from justice, this Court is inclined to extend the benefit of bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on

furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with two solvent sureties of the like amount to the satisfaction of the

concerned trial Court.

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

1. The petitioner will comply with all the terms and conditions of the bond executed by him;

2. The petitioner will cooperate in the investigation/trial as the case may be ;

3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The petitioner shall not commit an offence similar to the offence of which he is accused;

5. The petitioner will not seek unnecessary adjournments during the trials;

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. The learned concerned trial Court and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to

time by the Supreme Court, the Central Govt. and as well as the State Govt

during release, travel and residence of the petitioner during period of bail as a consequence of this order.

8. The petitioner as a Shiksha Swayamsevak shall render physical and financial assistance to Government Primary School situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner.

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The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area)

and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated.

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It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in

case of urban area) to preserve the said information provided by the petitioner. (

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The registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block

Education Officer of the district/block concerned for information and compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to District Education Officer,

Block Education Officer of the district/block concerned to verify as to whether petitioner has complied with condition No.8 or not and submit report

once every month.

In case, report regarding condition No.8 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD

before appropriate Bench.

A copy of this order be sent to the Court concerned for information.

C.c as per rules.