

Ajay Pandey @ Golu vs The State Of Madhya Pradesh on 19 October, 2020

Author: Sanjay Dwivedi

Bench: Sanjay Dwivedi

1

The High Court Of Madhya Pradesh

MCRC-32905-2020

(AJAY PANDEY @ GOLU Vs THE STATE OF MADHYA PRADESH)

4

Jabalpur, Dated : 19-10-2020

Heard through Video Conferencing.

Shri Ajay Pal Singh, learned counsel for the applicant.

Mr. Ritwik Parashar, learned Panel Lawyer for the respondent.

Case-diary is available.

Heard.

This first bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of bail in connection with Crime No.762/2020 registered at Police Station-Kolgawan District Satna(M.P.), for the offence punishable under Sections 363,364A,307,328,342 and 120-B of IPC.

Learned counsel for the respondent seeks time to comply the earlier order sheet where State was directed to verify the affidavit filed in support of the present applicant is of father of child, who has been alleged to be kidnapped by the present applicant.

Counsel for the applicant submits that from perusal of missing report it is clear that child was found in the house at about 4:00 P.M. and report was lodged at about 5:00 P.M. It is further submitted that concocted story has been made about abduction the child. It is also submitted that father of the child has made an affidavit contradicting the said story in which it is mentioned that if bail is granted to the present applicant then he would have no objection.

Despite granting sufficient time the affidavit could not be verified and report in that regard has not been submitted in the court. In such circumstances when child is in possession of the father-complainant, I am inclined to allow this bail application and same is hereby allowed.

It is made clear that if it is found the affidavit is not proper and correct 2 MCRC-32905-2020 then State is at liberty to move an appropriate application for cancellation of bail.

It is directed that applicant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the same amount to the satisfaction of the Court concerned for their appearance on the dates given by it.

I t is further directed that applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

The jail authority is also directed to ensure that applicant is examined by the jail doctor to ascertain that he is not afflicted with the COVID-19 virus. If the doctor suspects otherwise, applicant shall be referred to the appropriate hospital for further management as per the protocol laid down by the State. In the event the jail doctor is of the opinion that applicant can be released, then he shall be released.

A copy of this order be forwarded to the concerned trial Court through E-mail.

(SANJAY DWIVEDI) JUDGE S /-