

Sanjay Beldar vs The State Of Madhya Pradesh on 20 October, 2020

Author: Mohammed Fahim Anwar

Bench: Mohammed Fahim Anwar

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The High Court Of Madhya Pradesh

MCRC-28371-2020

(SANJAY BELDAR Vs THE STATE OF MADHYA

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Jabalpur, Dated : 20-10-2020

Heard through Video Conferencing.

Shri Arubendra Singh Parihar, counsel for the app

Shri Manoj Kushwaha, Panel lawyer for the respond

Heard on this first application for bail under Section 439 of the Code of Criminal Procedure, filed on behalf of applicant, in Crime No. 297/2020 registered by P.S. Nagod, District-Satna for the offence under Sections 341, 294, 323, 327, 506, 34 of the Indian Penal Code.

As per the prosecution case, on 27.6.2020, applicant and other co-accused persons have intercepted the complainant Shrikant Bagri who is working as a delivery boy for online trading and tried to extort Rs.500/-. When complainant refused then applicant has attempted on him with the help of knife and inflicted injury on the side of his abdomen by which he sustained injury. Report of the incident was lodged on the same day, on that basis, above mentioned crime has been registered against the applicant and other co-accused persons.

Learned counsel for the applicant has submitted that the applicant is an innocent person and he has falsely been implicated in the crime. The injury of the complainant Shrikant was found to be of simple in nature and he was discharged from the hospital on the same day of incident without keeping him in the hospital. There are four criminal antecedents against the applicant but all are of simple nature and applicant has been acquitted or bailed out in those crimes. It is also submitted that the applicant has no criminal antecedents and he is ready to furnish bail as per the order and shall abide by all conditions as may be imposed by the Court. He further submits that the applicant is in jail since 24.7.2020 and the trial will take time for its final disposal. On these grounds, learned counsel for the applicant prays for grant of bail to the 2 MCRC-28371-2020 applicant.

Per-contra, learned counsel for the respondent-State opposes the bail application.

The applicant is young youth of 19 years and he is in judicial custody since 24.7.2020.

Looking to the aforesaid facts and circumstances of the case, age of applicant, duration of custody and exigency of Covid-19, I am of the considered view it is a fit case to release the applicant on bail.

Accordingly, this first application is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- (Thirty Thousand) with one solvent surety in the like amount to the satisfaction of the trial Court to appear before the Court on the dates given by the concerned Court. It is further directed that applicant shall comply with the provisions of Section 437(3) of Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the applicant 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 . T h e Jail Authority s hall ensure t h e medical examination o f the applicant by the jail Doctor before his release.
2. The applicant shall not be released, if he is suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.
- 3 . I f i t i s found that the applicant i s suffering fro m 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing him in appropriate quarantine facility.

This application stands allowed and disposed of.

C. C. as per rules.

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