

Dipak Soni vs The State Of Madhya Pradesh on 8 October, 2020

Author: Mohammed Fahim Anwar

Bench: Mohammed Fahim Anwar

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The High Court Of Madhya Pradesh
MCRC-35030-2020

(DIPAK SONI Vs THE STATE OF MADHYA

Jabalpur, Dated : 08-10-2020

Heard through Video Conferencing.

Shri Manish Soni, learned counsel for the appl
Shri Manoj Kushwaha, learned P. L. for respond

Heard.

Case diary is available with the P. L. This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested in connection with Crime No.186/2019, registered at Police Station Saman District Rewa for the offence punishable under Sections 392 of IPC.

Allegation of the prosecution is that on 1.7.2019 at about 5.30 p. m. when the complainant Shashilala Tiwari was returning from meeting towards her home then near Aditya Hotel, applicant and other co-accused have intercepted her and snatched a gold chain from her neck. She lodged the report. On that basis a crime has been registered against unknown person. During the course of investigation the applicant and other co-accused were apprehended and on interrogation they have admitted the commission of crime and on their information and instance gold chain and one Motor cycle which was used in the said crime were recovered.

Learned counsel for the applicant that the applicant is innocent. He has not committed any offence. He has been falsely implicated in the case. It is further submitted that the gold chain said to be snatched was not recovered from the possession of the applicant and he was not identified by the complainant in identification parade. He is in judicial custody since 11.11.2019. The trial will take time to conclude. There is 2 MCRC-35030-2020 no likelihood of his absconding or tampering with the prosecution witnesses. Therefore, it is prayed that the applicant be released on bail.

Learned counsel for the respondent/ State opposes the bail application and submits that there is criminal antecedents of same nature against the applicant.

Although the applicant appears to be habitual offender but looking to the overall facts and circumstances of the case and period of custody since 11.11.2019, in my opinion, it is a fit case for

grant of bail to the applicant but subject to imposition of strict condition. Hence, without commenting on merits, this application is allowed.

It is directed that the applicant shall be released on bail on furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) along with one solvent surety of 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. It is further directed that if the applicant is found involved or arrested in connection with the offence of like nature (theft, extortion, robbery or dacoity), within two years of this order, then the bail granted in this crime, will be cancelled by the trial Court without referring to this Court.

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

1. The Jail Authority shall ensure the medical examination of 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.

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3. If it is found that the applicant is suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing him in appropriate quarantine facility.

C. C. as per rules.

(MOHD. FAHIM ANWAR) JUDGE kkc