

Sumant @ Deendayal vs The State Of Madhya Pradesh on 1 October, 2020

Author: Mohammed Fahim Anwar

Bench: Mohammed Fahim Anwar

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The High Court Of Madhya Pradesh
MCRC-28932-2020

(SUMANT @ DEENDAYAL Vs THE STATE OF MA

Jabalpur, Dated : 01-10-2020
Heard through Video Conferencing.

Shri N. K. Tiwari, learned counsel for applica
Shri Saurabh Soni, learned Panel Lawyer for th

Case diary is available with the learned P. L. This is first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant, as he has been arrested in connection with Crime No.49/2020, registered at Police Station Gotegaon District Narsinghpur for commission of offence punishable under Sections 454 and 380 of IPC.

Allegation of the prosecution is that on 16.1.2020 between some unknown person has stolen the golden and silver ornaments valued about Rs.22903/- from the house of the complainant Khuman Mehra. Complainant has lodged the report. On that basis above mentioned crime has been registered against the unknown person but during the course of investigation the applicant was arrested and he admitted the commission of crime and on his information above mentioned jewellery has been seized from his possession.

Learned counsel for the applicant has submitted that the applicant has not committed any offence and has falsely been implicated in the crime. It is further submitted that the applicant is permanent resident of the address shown in the application. He is ready to furnish adequate surety and shall abide by all terms and conditions imposed upon him. There is no chance of his absconding. The applicant is in judicial custody since 20.1.2020. In view of the aforesaid, prayer has been made to enlarge the applicant on bail.

Learned Panel Lawyer for the respondent/State on the other hand has opposed the bail application and submits that 28 criminal cases of same nature has been registered against the applicant. On these grounds he prays 2 MCRC-28932-2020 for rejection of the bail application.

Although it is reported that 28 criminal cases of same nature has been registered against the applicant but looking to the facts and circumstances of the case, period of judicial custody of the applicant since 20.1.2020 and exigency of Novel Coronavirus, in my opinion, it is a fit case for grant

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

It is directed that the applicant shall be released on bail on his furnishing personal bond in the sum of Rs.30,000/- (Rupees Thirty 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 in future, 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.
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.

3 MCRC-28932-2020 (MOHD. FAHIM ANWAR) JUDGE kkc