

Sonu@Narendra vs The State Of Madhya Pradesh on 18 September, 2020

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

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THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.25020/2020
(Sonu @Narendra Vs. State of M.P.)

Gwalior, Dated:-18.09.2020

Shri Rajiv Sharma, learned counsel for the applicant.

Shri Devendra Pathak, learned Panel Lawyer for the
respondent/State.

Matter is heard through video conferencing. The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 10/02/2020 by Police Station Mahua, Distt. Morena (M.P.) in connection with Crime No.80/2019 registered for offence punishable under Sections 498-A, 34, 304-B of IPC and section 3/4 of Dowry Prohibition Act.

It is submitted by learned counsel for the applicant- Sonu @ Narendra that the applicant has not committed any offence. He has falsely been implicated in this case. Applicant is in custody since 10.02.2020. There was no previous complaint against the present applicant or his family members with regard demand of dowry. No case is made out under section 304-B of IPC. The applicant is willing to co-operate the investigation as well as trial. The applicant is in custody since 10.02.2020. Learned counsel for the applicant further submitted that the father of the applicant is seriously ill and suffering from heart disease and is admitted in ICU. Hence, looking to the aforesaid facts and present COVID-19 condition, learned counsel for the applicant prays for grant of regular bail or interim bail for a period THE HIGH COURT OF MADHYA PRADESH (Sonu @Narendra Vs. State of M.P.) of 60 days. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Learned counsel for the State opposed the same and has submitted that the death of the deceased, who is wife of the present applicant is within seven years of marriage and at the time of death, the deceased was two months pregnant, despite she committed suicide due to the harassment of the applicant and his family members with regard to demand of dowry. Hence, prayed to reject the present bail application of the applicant.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them and perused the case diary.

The earlier application filed by the applicant was dismissed as withdrawn at the very outset with liberty to file afresh after recording of evidence of independent witnesses. It is true that from the date of aforesaid order, i.e., 20.5.2020, no physical hearing has been resumed in trial Court. In view of above, considering the facts and circumstances of the present case and looking to the aforesaid exceptional condition of illness of his father as he is suffering from THE HIGH COURT OF MADHYA PRADESH (Sonu @Narendra Vs. State of M.P.) heart disease and is admitted in hospital, without commenting upon the merits of the case, prayer for interim bail is allowed and it is hereby directed that the applicant shall be released on bail for a temporary period of 60 days from the date of his release on his furnishing personal bond of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety of the like amount to the satisfaction of the Court concerned. The applicant shall surrender before the trial Court immediately after completion of 60 days. The intimation regarding surrender of the applicant be furnished to this Court. In case of failure to comply the order, this bail order shall automatically stand cancelled. It is made clear that this interim bail will not affect in any way in considering the regular bail application filed in future on merits.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his Corona Virus test shall be conducted and if it is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if his test is found positive then the applicant shall be immediately sent to concerning hospital for his treatment as per medical norms. If the applicant is fit for release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local THE HIGH COURT OF MADHYA PRADESH (Sonu @Narendra Vs. State of M.P.) administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State Govt. or Local Administration for combating the Covid19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him in custody and would send him to the same jail from where he was released.

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

- 1.The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;

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

5. The applicant will not move in the vicinity of complainant THE HIGH COURT OF MADHYA PRADESH (Sonu @Narendra Vs. State of M.P.) party and applicant will not seek unnecessary adjournments during the trial;

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

and

7. The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Public Prosecutor to send e-copy of this order to SHO of concerned police station for information.

This application under Section 439 of Cr.P.C. stands disposed of in above terms.

E- copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

Certified copy/ e-copy as per rules/directions.

(Rajeev Kumar Shrivastava) Judge vv SMT VALSALA VASUDEVAN 2020.09.19 18:37:51 +05'30'