

# Mayaram Sharma vs The State Of Madhya Pradesh on 5 October, 2020

**Author: Sheel Nagu**

**Bench: Sheel Nagu**

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The High Court of Madhya Pradesh  
Mcrc.37078.2020  
(Mayaram Vs. State of M.P.)

Gwalior dated : 29/09/2020

Shri Aditya Sharma , Advocate, for the applicant.

Shri R.P. Gupta, Panel Lawyer, for respondent/State.

Learned counsel for the rival parties are heard through Video Conferencing.

This is first application filed u/S.439 Cr.P.C. by applicant for grant of bail.

The applicant has been arrested on 17/08/2020 by Police Station- Ambah, District Morena (M.P.), in connection with Crime No.550/2020 registered in relation to the offences punishable u/Ss.307, 294, 34 of IPC and u/S.25/27 of Arms Act.

Learned counsel for State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Attempt to murder is alleged against the applicant who is in custody since 17/08/2020. Chargesheet has though not yet been filed but the allegation is of mere exhortation without any overt act of assaulting anyone. The allegation of attempt to murder is predominantly alleged against co- accused Pankaj who caused firearm injury. Applicant is aged about 57 years.

In view of above and that applicant who has no criminal antecedents is in custody since 17/08/2020 coupled with the fact that early conclusion of the trial is a bleak possibility and prolonged pretrial detention being an anathema to the concept of liberty and that the material placed on record does not disclose possibility of applicant fleeing from justice, this Court, in the special circumstances of ongoing Covid-19 pandemic, is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of the like amount to the

satisfaction of the concerned Magistrate.

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 trial ;
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 him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trials;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt.

and as well as the State Govt during release, travel and residence of the applicant during period of bail as a consequence of this order.

8. The applicant as a Shiksha Swayamsevak shall render physical and financial assistance to Government Primary School situated nearest to residence of applicant for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the applicant. [;kfpdkdRkkZ ,d f'k{kk Lo;aLksod ds :i esa vius fuokl ds fudV vofLFkr ljdkjh izkFkfed fo|ky; esa LoPNrk vkSj vkjksX; dks lqfuf'pr djus ds fy, 'kkjhfd ,oa foRrh; lgk;rk iznku djsxk rFkk vius dkS'ky o lalk/kuksa ls mDr fo|ky; esa volajpukRed lqfo/kkvksa dh dfe;ksa dks nwj djsxkA] The applicant after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [;kfpdkdrkZ ,d fof'k"V ljdkjh Ldwy dk p;u djus ds i'pkr~ blds ckjs esa xzke iapk;r ds dk;kZy; ¼xzkeh.k {ks= ds ekeys es½a vkSj@;k lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys es½ ftds {ks=kf/kdkj esa mDr Ldwy vofLFkr gS] dks lwfpr djsxkA] It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the applicant and pass it on the concerned PLV. [;g lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys es½ vkSj@;k mDr xzke iapk;r ds ljiap vkSj lfpo ¼xzkeh.k {ks= ds ekeys es½ dh la;qDr ftEesnkjh gksxh

fd] ;kfpdkdrkZ }kjk iznRr lwpuk dks lajf{kr djs ,oa lEcaf/kr ih ,y oh dks gLrkarfjr djsaA] The registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the Paralegal Volunteers of the area concerned to verify as to whether applicant has complied with condition No.8 or not and submit report once every month.

In case, report regarding condition No.8 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD before appropriate Bench.

The applicant has gracefully volunteered to donate Rs.2,000/- (Rs. Two Thousand Only) in the account of the High Court Bar Association, Gwalior for the purpose of assistance and rehabilitation of those members of the Bar, who are facing financial distress due to Lockdown and restrictive functioning of the courts owing to ongoing Covid-19 pandemic. This Court has no manner of doubt that the office bearers and the Senior members of the Bar shall ensure that the donation reaches the rightful and deserving claimants. Let the donation be deposited within seven (7) working days from the date of release.

A copy of this order be sent to the Court concerned for information. C.c as per rules.

(Sheel Nagu) Judge suneel SUNEEL DUBEY 2020.10.06 15:47:13 +05'30'