

Gaurav vs The State Of Madhya Pradesh on 17 September, 2021

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

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MCRC-46125-2021

The High Court Of Madhya Pradesh

MCRC-46125-2021

(GAURAV Vs THE STATE OF MADHYA PRADESH)

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Gwalior, Dated : 17-09-2021

Heard through Video Conferencing.

Shri Ajay Raghuvanshi, learned counsel for the applicant.

Shri Nirmal Kumar Sharma, learned Public Prosecutor for the respondent-State.

This is second bail application under Section 439 of CrPC for grant of bail.

The applicant has been arrested on 4/7/2021 in connection with Crime No.240/2021 registered at Police Station Dharnavada, District Guna (M.P.) for offence under Section 394 of IPC.

It is submitted by learned counsel for applicant Gaurav that this is second bail application of the applicant. First application was withdrawn with liberty to revisit this Court after reasonable time. Thereafter the changed circumstance is that investigation is complete and charge-sheet has been filed. It is further submitted that name of the present is not mentioned in the FIR. It is also submitted that in case of grant of bail, in addition to the conditions imposed by this Court, applicant is ready and willing to deposit a sum of Rs.3,000/- with the High Court Legal Aid Services Authority for treatment of visually impaired children. Trial will take long time to conclude. Hence, prayed to allow the bail application.

Per contra, learned State counsel opposed the bail application and has submitted that the offence is registered under Section 394 of the IPC wherein there is allegation of robbery of huge amount against the present applicant. Hence, prayed to reject the bail application.

Heard learned counsel for the rival parties and perused the materials available on record.

Considering the fact that now charge-sheet has been filed and trial will 2 MCRC-46125-2021 take long time to conclude, without commenting on merits of the case, the application is allowed and it is directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lakh Only) with one surety in the like amount to the satisfaction of the trial Court/Committal Court for his regular appearance before the Court on the dates given by the concerned Court.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his/her 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/her house, and if the test is found positive then the applicant shall be immediately sent to concerning hospital for her/his treatment as per medical norms. If the applicant is fit for release and if he/she is in a position to make his/her personal arrangements, then he/she shall be released only after taking due travel permission from local 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/her in custody and would send him/her to the same jail from where he/she 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;

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4. The applicant shall not commit any offence similar to the offence of which they are accused;
- 5 . The applicant will not move in the vicinity of complainant 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;
7. The applicant will inform the SHO of concerned police station about their residential address in the said area and it would be the duty of the State counsel to send E-copy of this order to SHO of concerned police station for information; 8 . As submitted by learned counsel for the applicant above, applicant is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand Only) with the Secretary, High Court Legal Aid Services Authority, Gwalior, which shall be utilized for treatment of visually impaired children. Application stands allowed and disposed of.

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

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

(RAJEEV KUMAR SHRIVASTAVA) JUDGE pwn* Pawan Kumar 2021.09.17 16:08:03 +05'30'