

Somkant @ Sadhu vs The State Of Madhya Pradesh on 8 March, 2021

Author: Vishal Mishra

Bench: Vishal Mishra

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THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.8355/2021
(Somkant alias Sadhu Versus State of M.P.)

Gwalior, Dated:-8.3.2021.

Shri Prem Singh Bhadoriya, learned counsel for the applicant.

Shri R.K. Awasthi, learned Public Prosecutor for the
respondent/State.

Heard the learned counsel for the parties. The applicant has filed this second application under Section 439 Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Porsa, District Morena in connection with Crime No.896/2020 registered in relation to the offence punishable under Sections 420, 272, 273 of IPC and sections 51 and 57 of Food Safety and Standards Act, 2006. First application was dismissed as withdrawn vide order dated 27.1.2021 passed in M.Cr.C.No.4043/2021.

It is submitted by counsel for the applicant that he is in custody since 25.12.2020. It is submitted by counsel for the applicant that investigation is over in the matter and the charge sheet has already been filed on 14.2.2021, therefore, there is no requirement of further custodial interrogation of the applicant. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case due to the political enmity with one Ramprakash. Learned counsel for the applicant further submits that the applicant is having no criminal history. He is ready to abide by all the terms and THE HIGH COURT OF MADHYA PRADESH (Somkant alias Sadhu Versus State of M.P.) conditions as may be imposed by this Court and prays for grant of bail.

Per contra, counsel for the State has opposed the bail application. However, he fairly submits that the charge sheet has already been filed in the matter on 14.2.2021 and the applicant is having no criminal history as per the case diary.

Considering the overall facts and circumstances of the case and looking to the custody period of the present applicant and looking to the nature of offence registered against the present applicant, this Court deems it appropriate to allow this application. The application is allowed subject to verification of the fact that there is no other criminal case is pending against the applicant.

The applicant is directed to be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of the Investigation Officer/trial Court, as the case may be with submission of written undertaking and the applicant will abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel Corona Virus (COVID-19) pandemic and he will have to install Arogya Setu App, if not already installed.

THE HIGH COURT OF MADHYA PRADESH (Somkant alias Sadhu Versus State of M.P.) 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 him 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 trial; and
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 concerned S.H.O. of concerned Police Station about his 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 as well as concerned Superintendent of Police who shall inform the concerned SHO regarding the same.

Application stands allowed and disposed of.

THE HIGH COURT OF MADHYA PRADESH (Somkant alias Sadhu Versus State of M.P.) In view of the COVID-19, jail authorities are directed that before releasing the applicant, medical examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that he is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be ensured, otherwise applicant shall be released immediately on bail and shall be given a pass or permit for movement to reach his place of residence.

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

(Vishal Mishra) Judge Pawar* ASHISH PAWAR 2021.03.08 17:18:19 +05'30'