

Satendra Singh Tomar vs The State Of Madhya Pradesh on 7 April, 2021

Author: Sheel Nagu

Bench: Sheel Nagu

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MCRC-16354-2021

THE HIGH COURT OF MADHYA PRADESH

MCRC-16354-2021
(Satendra Singh Tomar Vs. State of M.P.)

Gwalior, dated: 07.04.2021

Shri R.B.S. Tomar, learned counsel for the petitioner.

Shri Anil Shukla, learned Public Prosecutor for the State.

Learned counsel for the rival parties are heard.

This is second bail application u/S.439 CrPC filed by the petitioner for grant of bail after rejection of earlier one which was dismissed on 15.03.2021 in M.Cr.C. No.10685/2021 with liberty to the petitioner to revisit this Court after conclusion of investigation.

The petitioner has been arrested on 30.01.2021 by Police Station - Sihoniya, District Morena (M.P.), in connection with Crime No. 19/2021 registered in relation to the offences punishable u/s.420, 272, 273 of IPC and Section 51, 57, 58 and 59 of the Food Safety and Standards Act, 2006.

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.

Petitioner, who is in custody since 30.01.2021, is alleged with aforementioned offences.

This is second bail application u/s. 439 Cr.P.C. Earlier one was dismissed with liberty to the petitioner to revisit this court after conclusion of investigation.

New ground raised is that investigation in the matter is over by
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filing of charge-sheet on 17.03.2021. Since investigation in the matter is over, further custodial interrogation may not be necessary. Petitioner has no criminal antecedents.

Considering the above and the extra-ordinary created by on-going COVID-19 pandemic and the fact that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose possibility of petitioner fleeing from justice, this Court is inclined to extend the benefit of bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 1,00,000/- (Rs. One Lac only) with two solvent sureties, each of Rs. 50,000/- to the satisfaction of the trial Court.

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

1.

The petitioner will comply with all the terms and conditions of the bond executed by him;

2. The petitioner will cooperate in the investigation/trial, as the case may be;

3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during 3 MCRC-16354-2021 the trial;
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The learned concerned trial court 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 petitioner during period of bail as a consequence of this order.

The petitioner has gracefully agreed to act as a Shiksha Swayamsevak by rendering physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner. [;kfpdkdrkZ us ,d f'k{kk Lo;alsod ds :i esa vius fuokl ds fudV vofLFkr ljdkjh izkFkfed fo|ky; esa LoPNrk vkSj vkjksX; dks lqfu'pr djus ds fy, 'kkjhfd ,oa foRrh; lgk;rk iznku djus ,oa vius dks'ky o lalk/kuksa ls mDr fo|ky; esa volajpukRed lqfo/kkvksa dh dfe;ksa dks nwj djus dh LosPN;k lgefzr iznku dh gSAa] The petitioner 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 izkFkfed ljdkjh Ldwy dk p;u djus ds i'pkr~ blds ckjs esa xzke iapk;r ds dk;kZy; ¼xzkeh.k {ks= ds ekeys esa½ vkSj@;k lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys esa½ ftlds {ks=kf/kdkj esa mDr Ldwy vofLFkr gS] dks lwfpr djsxkA].

4 MCRC-16354-2021 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 petitioner. [;g lEcaf/kr okMZ ds okMZ vf/kdkjh ¼'kgjh {ks= ds ekeys esa½ vkSj@;k mDr xzke iapk;r ds ljiap vkSj lfpo ¼xzkeh.k {ks= ds ekeys esa½ dh la;qDr ftEesnkjh gksxh fd] ;kfpdkdrkZ }kjk iznRr lwpuk dks lajf{kr djsA].

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 follow up.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the District Education Officer, Block Education Officer of the district/block concerned who in turn shall encourage the petitioner to indulge in community service as aforesaid.

A copy of this order be sent to the Court concerned for information.

C.c as per rules.

(Sheel Nagu) Judge Aman Aman DN: c=IN, o=High Court Of Madhay Pradesh Bench Gwalior, ou=all, 2.5.4.20=70c6eef55d043fbd523acacb7d1 Tiwari ef4b0609a37510b8e1527bc41da9009c41f72, postalCode=474011, st=MADHYA PRADESH, cn=Aman Tiwari Date: 2021.04.08 12:03:27 +05'30'