HIGH COURT OF MADHYA PRADESH

MCRC-3989-2021

(RUDRA @ RUDDAN Vs ***THE STATE OF MADHYA PRADESH)***

Gwalior, Dated: 27.1.2021

Shri P.S.Bhadoria, learned counsel for the applicant.

Shri Kaushlendra Singh Tomar, learned Public Prosecutor for respondent/State.

Matter is heard through Video Conferencing.

I.A. No.2333/2021, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

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

Applicant has been arrested on 27.12.2020 by Police Station Karera, District Shivpuri (MP) in connection with Crime No. 698/2020 registered for the offence punishable under sections 392, 506 of IPC, 11/13 of MPDVPK Act and under section 25, 27 of the Arms Act.

It is submitted by learned counsel for the applicant that the applicant-***RUDRA @ RUDDAN*** has not committed any offence. He has been falsely implicated in the offence. It is further submitted that investigation is around to complete and the conclusion of trial will take its own time. There is no criminal antecedents against the applicant. The identification parade has already been completed, hence prayed for grant of bail.

Per contra, State Counsel has vehemently opposed the bail application and has submitted that the offence is registered under sections 392, 506 of IPC, 11/13 of MPDVPK Act and under section 25, 27 of the Arms Act, hence prayed for dismissal of the bail application.

Heard learned counsel for the parties at length through Video Conferencing and considered the arguments advanced by them and perused

the available case-diary.

Considering the facts and circumstances of the case, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rupees One Lac only)** with one solvent surety of the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned on the dates fixed by the Court concerned.

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 his/her test is found positive then the applicant shall be immediately sent to concerning hospital for his/her 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 Government/State Government or Local Administration for combating the COVID-19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Government/State Government 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/s :-

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;

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

3. The applicant/s will not indulge himself/herself/themselves 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/s shall not commit an offence similar to the offence of which he/she is accused; in case of repetition of any type of offence, the bail order granted shall stand cancelled automatically;

5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;

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

7. The applicant/s will inform the SHO of concerned Police Station about his/her/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. Applicant shall mark his presence before the SHO of the concerned Police Station once in every fortnight (every 15 days) till conclusion of the trial. The concerned SHO is directed to submit attendance report of the applicant before the Principal Registrar of this Court once in every quarter of a year.

Application stands allowed and disposed of.

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

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