

THE HIGH COURT OF MADHYA PRADESH

Cr.A. No.2929/2020

(Badal Singh & Others Vs. State of M.P. and another)

Gwalior, dated: 18.05.2019

Shri Prashant Sharma, counsel for the appellants.

Shri Aditya Singh Ghuraiya, Public Prosecutor for the respondents/State.

Case-diary is perused.

Learned counsel for the rival parties are heard.

Present appeal filed u/S. 14(A)(2) of the Act assails the order dated 17/04/2020 passed by the Special Judge (Atrocities), Guna (M.P.) whereby the application preferred by the appellants herein u/S. 439 of Cr.P.C. came to be rejected.

The appellants are in custody since 21/03/2020 in connection with Crime No.132/2020, registered by Police Station Aaron, District Guna (M.P.) in relation to the offences punishable u/Ss. 436, 294, 323, 506 & 34 of IPC and Section 3(2)(r), 3(2)(s) of the SC & ST Act.

Learned Public Prosecutor for the State, on the other hand, prayed for dismissal of the appeal by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Appellants are in custody since 17/04/2020 in respect of

aforesaid offences.

Though Chargesheet has not been filed but appellants does not appear to have any criminal antecedents and therefore, considering the allegations and the fact that the material placed on record does not disclose the possibility of the appellants fleeing from justice and trial is not likely to conclude in the near future and prolonged pre-trial detention being an anathema to the concept of liberty, this court is inclined to extend the benefit of bail to the appellants.

Undoubtedly, the appellants are young/middle aged/able bodied responsible citizens. In the present time where the entire humanity is struggling to survive against the Covid-19 pandemic the governmental machinery is experiencing extreme shortage of hands in the process of disaster management, the appellants as citizens of nation are obliged to assist the govt. in times of this deep crises by discharging their fundamental duty enshrined under Article 51-A(d) which reads thus:-

- “51A. Fundamental duties. – It shall be the duty of every citizen of India –
- (a). XXX-XXX-XXX
 - (b). XXX-XXX-XXX
 - (c). XXX-XXX-XXX
 - (d). to defend the country and render national service when called upon to do so;”

Accordingly, this Court deems it appropriate to pass suitable order prescribing it to be a part of one of the conditions subject to

which appellants have been granted bail so that the human resource in shape of the appellants can be utilized for the betterment of the society and to ward off the crises.

Accordingly, without expressing any opinion on merits of the case, present appeal is allowed and the impugned dated 17/04/2020 passed by the Special Judge (Atrocities), Guna (M.P.) is quashed by directing that the appellant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only) each with one solvent surety of the like amount** to the satisfaction of the concerned Trial Court.

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

1. The appellants will comply with all the terms and conditions of the bond executed by them;
2. The appellants will cooperate in the investigation/trial, as the case may be;
3. The appellants 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 appellants shall not commit an offence similar to the offence of which they are accused;
5. The appellant will not seek unnecessary adjournments during the trial; and
6. The appellant 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 appellants during period of suspension of sentence as a consequence of this order.

8. The appellants shall register themselves with the District Magistrate, Guna as "Covid-19 Warriors" by entering their names in a Register named as COVID-19 WARRIOR REGISTER. The appellants then, shall be assigned work of Covid-19 disaster management at the discretion of District Magistrate Guna by taking all prescribed precautions. The nature, quantum and duration of the work assigned is left to the the wisdom of District Magistrate, Guna. This Court expects that the appellants shall rise to the occasion to serve the society in this time of crises to discharge their fundamental duty of rendering national service when when call upon to do so as per Article 51-A(d) of the constitution.

Registry is directed to communicate about the passing of this order to the concerned District Magistrate for compliance.

The District Magistrate concerned is directed to intimate this Court in case condition No.8 is not complied with and on receipt of any such intimation, Registry is directed to list the matter before appropriate bench as PUD.

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

C.C. as per rules.

(Sheel Nagu)
Judge

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