

THE HIGH COURT OF MADHYA PRADESH
Merc.10544.2020
(Latif Ahmad Vs. State of M.P.)

Gwalior Dt. 20.03.2020

Shri Ankur Maheshwari, learned counsel for the petitioner.

Shri S.S. Rajput, learned Public Prosecutor for the State.

Case-diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this first application u/S. 439 of Cr.P.C. for grant of bail.

The petitioner has been arrested on 22.02.2020 by Police Station Noorabad, District Morena (M.P.) in connection with Crime No.6/96 registered in relation to the offence punishable u/Ss.409, 420, 467, 468, 471.

Learned Public Prosecutor for the 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 has no criminal antecedents is alleged with cheating and forgery and is in custody since 22.02.2020.

Though the investigation is not over but considering the nature of offence where the petitioner has identified co-accused Mukesh Sharma while opening of bank account this Court is

inclined to extend the benefit of bail to the petitioner but with certain stringent conditions in view of pending investigation.

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 Lakh only) with two solvent sureties each of Rs. 50,000/-** to the satisfaction of the concerned 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 the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner shall mark his presence once a week before the concerned police station till investigation is complete.

8. The petitioner shall render community service at the hospital/Community Health Centre/ Primary Health Centre situated at or in the vicinity of village/Tahsil of residence of petitioner for three (3) hours everyday including Sunday till the conclusion of trial.

The nature of community service shall be decided and allotted in writing by the CMO/Head of the hospital/Community Health Centre/Primary Health Centre situated in close vicinity to the place of residence of petitioner. Compliance of this condition shall be ensured and verified by issuing certificate to be jointly signed by head of hospital/Community Health Centre/Primary Health Centre and Sarpanch/Councilor of the Gram Panchayat/Municipality concerned. This certificate shall be filed before the Registry of this court once in every month. If the Registry finds that either the compliance report is not filed once in a month or there is something amiss in the compliance report filed then the case be listed as PUD before appropriate Bench.

A copy of this order be sent to the I.O./Court concerned and as well as Chief Medical Officer of concerned District for compliance.

Certified copy as per rules.

(Sheel Nagu)
Judge

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