

THE HIGH COURT OF MADHYA PRADESH**MCRC-13069-2020***(Akash alias Shailendra Vs. State of M.P.)***Gwalior, Dt. 18.05.2020**

Shri Asha Ram Shivhare, Advocate, for the petitioner.

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

Learned counsel for the rival parties are heard.

This is 1st bail application u/S.439 CrPC filed by the petitioners for grant of bail.

Petitioner has been arrested on 03.03.2020 by Police Station Banmore District Morena (M.P.) in connection with Crime No.65/2020 registered in relation to the offences punishable u/S. 419, 420 of IPC and 3/4 of Pariksha Adhinyam.

Learned Panel Lawyer 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 is said to be a solver who appeared in place of co-accused/candidate in 10th class examination conducted by Madhya Pradesh Madhyamik Siksha Mandal. Petitioner is in custody since 03.03.2020 and charge-sheet has been filed on 20.04.2020.

State counsel informs that co-accused is still absconding. Petitioner has no criminal antecedents.

Considering the aforesaid and looking to 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 the possibility of the petitioners fleeing from justice, *this Court is inclined to extend 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. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of the like amount** to the satisfaction of the concerned Magistrate.

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 trial;
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;
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;

6. The petitioner will not leave India without previous permission of the trial Court;

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 petitioner during period of bail as a consequence of this order.

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

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

The DM concerned is directed to intimate this court in case condition no.8 is not complied with and on receipt of any such intimation the 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

ojha