

**THE HIGH COURT OF MADHYA PRADESH****MCRC-13594-2020***(Satish Gupta Vs. State of M.P.)***Gwalior, Dt. 18.05.2020**

Shri Ankur Mody, Advocate, for the petitioner.

Shri Nitin Agarwal, Panel Lawyer, for the respondent/State.

Learned counsel for the rival parties are heard.

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

Petitioner has been arrested on 03.05.2020 by Police Station Kotwali District Datia (M.P.) in connection with Crime No.191/2020 registered in relation to the offences punishable u/S. 406, 188, 409 of IPC.

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.

Learned counsel for the petitioner submits that co-accused Bhagwan Singh on whose statement recorded u/S.27 of Evidence Act the petitioner has been implicated, has since been enlarged on bail by order dated 15.5.2020 passed in M.Cr.C. No.13554/2020. The petitioner is said to be the Manager. It is submitted by learned counsel for the petitioner that co-accused Bhagwan Singh was entrusted with the stock of liquor in the shop which has been

sealed by the Government due to expiry of last license period on 31.03.2020 and the want of renewal of license period thereafter due Covid-19 crises. The charge-sheet has not yet been filed. Counsel for the petitioner also submits that a complaint was made by the petitioner of false implication in which an inquiry was conducted where it was found that entrustment of liquor stock was made to the co-accused and not the petitioner.

Considering the aforesaid and the period of custody and the co-accused having been released on bail 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 on the principle of parity 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, Datia 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-Datia by taking all prescribed precautions. The nature, quantum and

duration of the work assigned is left to the wisdom of District Magistrate, Datia. 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**