

**THE HIGH COURT OF MADHYA PRADESH****MCRC-13732-2020****(BHAGIRATH Versus THE STATE OF MADHYA PRADESH)****Gwalior, Dt. 19.05.2020**

Shri Madhukar Kulshrestha, Advocate, for the petitioner.

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

Learned counsel for the rival parties are heard.

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

Petitioner has been arrested on 18.03.2020 by Police Station Dimni, District Morena (M.P.) in connection with Crime No.134/2011 registered in relation to the offences punishable u/Ss.399, 400, 402 of IPC, 11, 13 of MPDVPK Act and 25, 27 of Arms Act.

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.

State counsel informs that case diary is not available. However, considering the fact this is a case of bail jump where petitioner had been granted bail earlier but due to his absence before the trial Court on 12.05.2016, his bail bonds were cancelled and though petitioner could be arrested quite late on 18.03.2020 but considering the fact that he is in custody since last two months and

he was granted bail earlier on merits and in view of the extraordinary situation created by COVID-19 pandemic, this Court is inclined to extend the benefit of bail to the petitioner.

Undoubtedly, the petitioner is young/middle aged/able bodied responsible citizen. 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 petitioner as citizen of nation is 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 petitioner has been granted bail so that the human resource in shape of the petitioner 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, 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 themselves with the District

Magistrate, Morena 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 District Magistrate, Morena by taking all prescribed precautions. The nature, quantum and duration of the work assigned is left to the the wisdom of District Magistrate, Morena. This Court expects that the petitioner shall rise to the occasion to serve the society in this time of crises to discharge his 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**