

HIGH COURT OF MADHYA PRADESH**MCRC.No.17681/2020****(Suresh Kushwah & Another Vs. State of M.P.)****Gwalior, Dated : 03.07.2020**

Shri V.D.Sharma, learned counsel for the applicants.

Shri Anoop Nigam, learned Panel Lawyer for the State.

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona virus (COVID-19) and considering the advisories issued by the Government of India, this application has been heard and decided through video conferencing to maintain social distancing. The parties are being represented by the respective counsel through video conferencing, following the norms of social distancing/ physical distancing in letter and spirit.

Heard the learned counsel for the parties.

The applicants have filed this second application u/S. 439 Cr.P.C. for grant of bail. The applicants have been arrested on 13.09.2019 by Police Station Lahar, District Bhind (M.P.) in connection with Crime No.309/2019 registered in relation to the offence punishable u/Ss. 302/34 of IPC, 1860.

It is argued by the counsel for the applicant that the applicants have been falsely implicated in the matter. The applicant have not committed any offence in any manner. The first bail application of the present applicants was rejected on merits by this Court vide order dated 08.01.2020 passed in M.Cr.No.52305/2019. There is no specific allegations against the applicant and there are no criminal antecedents

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against the applicants. The applicant are in custody since 13.09.2019. They are ready to abide by all the terms and conditions which may be imposed by this court while considering the application for grant of bail to the applicants. There are no possibility of their absconding or tampering with the prosecution case. Counsel for the applicants prays for grant of bail to the applicants.

Per contra, learned Panel Lawyer for the State has opposed the bail application stating that the bail application of the co-accused Manoj Kumar has already been dismissed on merits by this Court vide order dated 05.06.2020 passed in M.Cr.C.No.11283/2020. The case of the present applicant is exactly identical to that of Manoj Kumar. Therefore, in the same terms, he prays for rejection of the bail application.

Considering the fact and circumstances of the case and the bail application of the co-accused Manoj Kumar has already been rejected on merits by this Court, therefore, this Court does not deem it fit to grant bail to the applicants. This application is dismissed.

C.C. as per rules.

(Vishal Mishra)
Judge