

HIGH COURT OF MADHYA PRADESH**MCRC-21039-2020****(Siyaram vs. State of M.P.)****Gwalior, Dated: 3/7/2020**

Shri Sarang Gupta, learned counsel for the applicant.

Shri Ravindra Singh Kushwah, Dy. Advocate General, for respondent/State.

Matter is heard through Video Conferencing.

I.A.No.7493/2020, an application for urgent hearing, is taken up, considered and allowed for the reasons mentioned therein.

I.A. No.7933/2020, an application under Section 301(2) of Cr.P.C. filed on behalf of the complainant for assisting the State Counsel is taken up, considered and allowed for the reasons mentioned therein.

Accordingly, Shri Sohit Mishra, learned counsel and his associates are permitted to assist the State Counsel.

I.A.No.7493/2020 and I.A.No.7933/2020 stand disposed of.

This is the **first** bail application u/S.438 Cr.P.C filed by the applicant for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.630/2019 registered at Police Station Civil Lines, District Morena (M.P.) in relation to the offence punishable under Sections 452, 323, 294, 147, 148, 506, 149, 307 and 325 of IPC.

It is submitted by learned counsel for the applicant – Siyaram that the applicant is aged around 67 years. There are omnibus allegations against the present applicant. There is no overt act by the

present applicant. Cross FIR has been registered in the present case. In the cross-case, the bail has already been granted to the concerned accused persons. Other co-accused of this case has already been granted bail by this Court under Section 439 of CrPC, therefore, prayed for parity. It is further submitted that looking to COVID-19 condition at Morena and the age of the present applicant, prayed for grant of anticipatory bail.

Learned State counsel as well as counsel for the complainant opposed the submissions and submitted that in the present case, charge-sheet has been filed on 20/3/2020. The present applicant is still absconding. The offence is registered under Sections 452, 323, 294, 147, 148, 506, 149, 307 and 325 of IPC. There are specific allegations against the present applicant. It is further submitted that the bail application of the co-accused who has already been granted bail by this Court, was considered under Section 439 of CrPC and the bail application of the present applicant is under Section 438 of CrPC. Hence, prayed to reject the anticipatory bail application of the present applicant.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them and perused the case-diary.

At this juncture, learned counsel for the applicant prays for withdrawal of present bail application with liberty to surrender before the trial Court and move an application for regular bail. He

further submits that the trial Court be directed to decide the bail application filed by the applicant as early as possible.

Prayer is allowed.

Application is dismissed as withdrawn with the liberty as aforesaid.

Trial Court is hereby directed to decide the bail application, if filed by the applicant, as expeditiously as possible.

Certified copy/ e-copy as per rules/directions.

(Rajeev Kumar Shrivastava)
Judge

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