

The High Court of Madhya Pradesh

M.Cr.C. No. 21261/2020

(Vijay Jatav Vs. State of M.P.)

Gwalior dated 31.07.2020

Shri Tapendra Sharma, learned counsel for the petitioner.

Shri Manish Nayak, learned Panel Lawyer for the respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

The petitioner has filed this second repeat application u/S.439 Cr.P.C. for grant of bail after rejection of earlier ones on merits and by granting liberty to come again after examination of victim by order dated 30/5/2019 in Mrcr 21972/2019

The petitioner has been arrested on 25/5/2018 by Police Station-Karera, District Shvipuri (M.P.), in connection with Crime No. 176/18 registered in relation to the offences punishable u/S. 394 IPC and Sec. 11/13 of MPDVPK Act.

Learned counsel for 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 alleged with robbery .

New ground raised is that victim Ashok Kumar Gupta has been examined as PW-2 before the trial court on 8/2/2020. In that view of the matter, released of petitioner shall not be at the risk of influencing prosecution evidence and no purpose would be served to continue incarceration.

In view of above and looking to special circumstances of ongoing Covid-19 pandemic with further facts 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 possibility of petitioner fleeing from justice, this Court, is inclined to extend the 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.25,000/- (Rs. Twenty Five 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 the 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 or to the Police Officer, as the case may be;

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 trials;

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

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 as a Shiksha Swayamsevak shall render physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioners. [याचिकाकर्ता एक शिक्षा स्वयंसेवक के रूप में अपने निवास के निकट अवस्थित सरकारी प्राथमिक विद्यालय में स्वच्छता और आरोग्य को सुनिश्चित करने के लिए शारीरिक एवं वित्तीय सहायता प्रदान करेगा तथा अपने कौशल व संसाधनों से उक्त विद्यालय में अवसंरचनात्मक सुविधाओं की कमियों को दूर करेगा]

The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [यह संबंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) और/या उक्त ग्राम पंचायत के सरपंच और सचिव (ग्रामीण क्षेत्र के मामले में) की संयुक्त जिम्मेदारी होगी कि, याचिकाकर्ता द्वारा प्रदत्त सूचना को संरक्षित करे एवं सम्बंधित पी एल वी को हस्तांतरित करें।]

It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner and pass it on the concerned PLV. [].

The registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the Paralegal Volunteers of the area concerned to verify as to whether petitioner has complied with condition No.8 or not and submit report once every month.

In case, report regarding condition No.8 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD before appropriate Bench.

A copy of this order be sent to the Court concerned for information.

C.c as per rules.

(Sheel Nagu)
Judge

(Bu)