

HIGH COURT OF MADHYA PRADESH

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M.Cr.C.No.22744/2020

(Monu Gurjar Vs. State of M.P.)

**Gwalior Bench: Dated 15/09/2020**

Shri M.C. Pathak, learned counsel for the applicant.

Shri A.P.S. Tomar, learned PL for the respondent/State.

Matter is heard through Video Conferencing.

The applicant has filed this **Sixth** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 26.03.2019, by Police Station- Bilaowa, District Gwalior, in connection with Crime No.138/2018, for the offence punishable under Section 394 of IPC and Sections 11/13 of MPDVPK Act. His earlier bail applications were dismissed as withdrawn by this court.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 26.03.2019. Material prosecution witnesses have been examined including the complainant and therefore, chance of tampering with the evidence / witnesses is remote. Only one case of applicant's criminal past haunts him but he has enlarged on bail in that case. Confinement amounts to pretrial detention. He undertakes to cooperate in trial as well as investigation and would be available as and when required. He further undertakes to perform community service and to serve the national cause by making contribution in **Army Central Welfare Fund**. He further undertakes to install **Arogya**

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**Setu App.**, if not already installed.

Learned Panel Lawyer for the State opposed the prayer and prayed for dismissal of the bail application.

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

Considering the submissions advanced by the learned counsel for the parties and the fact situation and no custodial interrogation is required, without commenting on the merits of the case, the application is allowed. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two solvent sureties** in the like amount to the satisfaction of trial Court and that he will have to install **Arogya Setu App**, if not already installed.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his preliminary Corona Virus test shall be conducted and if he is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if he is found positive then the applicant shall be immediately sent to concerned hospital for his treatment as per medical norms. If the

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applicant is fit for release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State Govt. or Local Administration for combating the Covid19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him in custody and would sent him to the same jail from where he was released.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the

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offence of which he is accused;

5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Public Prosecutor to send **E-copy** of this order to SHO of concerned police station for information.
8. **The applicant shall mark his appearance before the concerned police station on 15<sup>th</sup> day of every month between 9 am to 2 pm till filing of charge-sheet.**
9. Applicant may deposit **Rs.2500/- (as per undertaking by the applicant) in Army Central Welfare Fund having A/C No.520101236373338 of Corporation Bank, Chandni Chowk, Delhi,** within a period of one month from the date of release.

Application stands allowed and disposed of.

**E- copy** of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

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

**(Anand Pathak)**  
**Judge**

Rashid