

The High Court Of Madhya Pradesh**MCRC-31474-2020***(RAMAKANT KOTHARI Vs THE STATE OF MADHYA PRADESH)***Gwalior Bench: Dated 15.09.2020**

Shri Rajmani Bansal, learned counsel for the applicant.

Shri Aditya Singh Ghuraiya, learned Public Prosecutor, for the respondent/State.

Shri Ravindra Dixit, learned counsel for the complainant.

Matter is heard through Video Conferencing.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 10.08.2020 by Police Station Kotwali District Gwalior in connection with Crime No.5/2020 for the offence punishable under Sections 420, 506/34 of IPC.

It is the submission of learned counsel for the applicant that applicant is suffering confinement since 10.08.2020 and now applicant and complainant entered into a settlement and he has handed over a draft for Rs.26,00,000/- to the complainant. Even otherwise, matter pertains to documentary evidence, therefore, no custodial interrogation is required. Applicant does not bear any criminal record. He undertakes to cooperate in investigation/trial. On these premises, he prayed for bail.

Learned counsel for the State opposed the prayer and

The High Court Of Madhya Pradesh**MCRC-31474-2020***(RAMAKANT KOTHARI Vs THE STATE OF MADHYA PRADESH)*

prayed for dismissal of the bail application.

Learned counsel for the complainant fairly submits that he received a draft of Rs.26,00,000/- recently and he has no objection if the prayer is granted.

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

Considering the submissions advanced by learned counsel for the applicant as well as fact situation of the case, but without expressing any opinion on the merits of the case, this 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)** along with one solvent surety of 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

The High Court Of Madhya Pradesh**MCRC-31474-2020***(RAMAKANT KOTHARI Vs THE STATE OF MADHYA PRADESH)*

found positive then the applicant shall be immediately sent to concerned hospital for his treatment as per medical norms. If the 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;

The High Court Of Madhya Pradesh**MCRC-31474-2020***(RAMAKANT KOTHARI Vs THE STATE OF MADHYA PRADESH)*

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 offence of which he is accused ;

5. Applicant will not seek unnecessary adjournments during 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.

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