

HIGH COURT OF MADHYA PRADESH,
BENCH AT GWALIOR

M.Cr.C. No.34298/2020

(Shrilal Soni @ Shrikrishan Soni Vs. The State of Madhya Pradesh)
(1)

Gwalior, dated : 23.09.2020

Shri Sanjeev Kumar Agrawal, Advocate for the applicant.

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

In pursuance of the directions issued by the Apex Court and guidelines issued by the High Court of Madhya Pradesh in the wake of COVID-19 outbreak, the matter was taken up through video conferencing while adhering to the norms of social distancing prescribed by the Government.

Heard, learned counsel for the parties.

Case diary perused.

This is the first application under Section 438 of the Code of Criminal Procedure filed for grant of anticipatory bail.

Applicant apprehends arrest in connection with Crime No.374/2010 registered at Police Station – Kotwali, Shivpuri (M.P.) for the offences punishable under Sections 420, 467, 468 and 471 of IPC.

The allegation against the applicant, in short, is that while he was holding the post of Patwari he manipulated the record and land in question being the government land was transferred in the name of his father and after death of his father, he got the land mutated thereby misusing the power. On the basis of the aforesaid, crime has been registered.

Learned counsel for the applicant submits that applicant is aged about 72 years and he has falsely been implicated in the case.

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Offence was registered in the year 2010, thereafter, the prosecution did not take any step and proceed in the mater and it is only in the year 2020, prosecution is trying to arrest the applicant. FIR has been registered on the application under Section 156 (3) of Cr.P.C., in the year 2010 but the prosecution did not seek any explanation from the applicant. Applicant is a reputed person in the society and if arrested, his reputation would be tarnished. Attention has also been invited to the guidelines issued to all the States and Union Territories by the Apex Court for de-congesting the prisons in suo motu W.P. (C) No. 1/2020 (IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS) to consider release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less by constituting a High Powered Committee. Applicant is ready to cooperate in the investigation. He is permanent resident of District Shivpuri and there is no likelihood of absconsion or tampering with the prosecution evidence. With the aforesaid submissions prayer for grant of anticipatory bail is made.

In response, learned Panel Lawyer appearing for the respondent/State has opposed the anticipatory bail application and prays for its rejection.

At this stage, learned counsel for the applicant volunteered to deposit an amount of **Rs.5,000/- (Rs.Five Thousand Only)** in the account of the High Court Bar Association, Gwalior.

Taking into consideration the facts and circumstances of the

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case, but without expressing any opinion on merits of the case, I deem it appropriate to extend the benefit of anticipatory bail to the applicant.

The application is, accordingly, allowed and it is hereby directed that in the event of arrest of applicant namely **Shrilal Soni @ Shrikrishan Soni**, he shall be released on bail on furnishing a personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** to the satisfaction of Arresting Authority.

It is made clear that benefit of bail shall be extended to the applicant only on depositing an amount of **Rs.5,000/-(Rs.Five Thousand Only)** in the account of the High Court Bar Association, Gwalior for the purpose of assistance and rehabilitation of those members of the Bar, who are facing financial distress due to Lockdown and restrictive functioning of the courts owing to ongoing COVID-19 pandemic. This Court has no manner of doubt that the office bearers and the Senior members of the Bar shall ensure that the donation reaches the rightful and deserving claimants. The applicant shall submit an attested photocopy of such receipt before the concerned court for placing the same on record.

The applicant shall also furnish a written undertaking that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of

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Corona virus.

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

1. The applicant shall install **Aarogya Setu App** (if not already installed) in his mobile phone.
2. The applicant will comply with all the terms and conditions of the bond executed by him;
3. The applicant will cooperate in the investigation/trial, as the case may be;
4. The applicant will not indulge 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;
5. The 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.
7. **If the applicant commits any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.**

Learned Additional Advocate General is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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

(S.A.Dharmadhikari)
Judge

SP