

01 M.Cr.C.42706/2020

HIGH COURT OF MADHYA PRADESH

M.Cr.C.42706/2020

(Anil Khanna vs. State of M.P.)

Gwalior, Dated: 13.1.2021

Shri Rak Kishor Sharma, learned counsel for the applicant.

Shri Ramendra Gurjar, learned Panel Lawyer for respondent/State.

Matter is heard through Video Conferencing.

I.A. No.19940/2020, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

This is the **third** bail application u/S.439 Cr.P.C filed by the applicant for grant of bail. The earlier applications were rejected on merits.

Applicant has been arrested on 21.12.2019 by Police Station Phoop, District Bhind (MP) in connection with Crime No. 291/2019 registered for the offence punishable under section 304-B, 34 of IPC.

It is submitted by learned counsel for the applicant that the applicant- **Anil Khanna** is in custody since 21.12.2019. Earlier two applications were rejected on merits. Thereafter, there is no progress in trial due to Covic-19 Pandemic. There is no possibility of commencement of trial in near future as yet evidence is not recorded by the trial Court. In the present case, despite aforesaid custody, charges have not been framed. The applicant is husband of the deceased. The elder sister of the deceased is married with elder brother of the applicant and she is residing in the same house. It is

further submitted that out of Court parties have arrived at compromise. The trial will take its own time, hence prayed for grant of bail.

Per contra, State Counsel has vehemently opposed the bail application and has submitted that earlier two applications were rejected on merit, thereafter there is no changed circumstances under which this application could be considered. Hence, prayed for dismissal of the bail application.

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

In view of the aforesaid and considering the fact that earlier two applicants were rejected on merit and also the fact that thereafter further custody has been suffered by the applicants and also considering the circumstances of the case, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac only)** with one solvent surety of the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned on the dates fixed by the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his/her Corona Virus test shall be conducted and if it is found negative, then the concerned

local Administration shall make necessary arrangements for sending the applicant to his/her house, and if his/her test is found positive then the applicant shall be immediately sent to concerning hospital for his/her treatment as per medical norms. If the applicant is fit for release and if he/she is in a position to make his/her personal arrangements, then he/she 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 Government/State Government or Local Administration for combating the COVID-19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Government/State Government or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him/her in custody and would send him/her to the same jail from where he/she was released.

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

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;
2. The applicant/s will cooperate in the investigation/trial, as the case may be;
3. The applicant/s will not indulge himself/herself/themselves 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/s shall not commit an offence similar to the offence of which he/she is accused;

5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;

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

7. The applicant/s will inform the SHO of concerned Police Station about his/her/their residential address in the said area and it would be the duty of the State Counsel 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.

(Rajeev Kumar Shrivastava)
Judge