

HIGH COURT OF MADHYA PRADESH,
BENCH AT GWALIOR

M.Cr.C. No.51675/2020

(Ritesh Lodhi Vs. The State of Madhya Pradesh & Anr.)

(1)

Gwalior, dated : 19.01.2021

Shri D.S. Tomar, Advocate for the applicant.

Shri Alok Sharma, 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.

The applicant has filed this first application under section 439 of the Cr.P.C. for grant of bail.

The applicant has been arrested on 21.07.2020 by Police Station Kotwali, District Vidisha in connection with Crime No.781/2017 registered in relation to the offence punishable under Sections 363, 366 of IPC.

Allegation against the applicant, in short, is that applicant enticed the prosecutrix and took her alongwith him without permission of her parents. On the basis of the aforesaid, crime has been registered.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. He is in custody since 21.07.2020. Charge-sheet has been filed, therefore, no further custodial interrogation is required. Earlier he was enlarged on bail by

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the trial Court itself but thereafter, in search of work he had to go out, therefore, he could not appear before the Court. He himself surrendered before the Court on 21.07.2020. According to statements under Section 164 of Cr.P.C, the prosecutrix has deposed that she went alongwith the applicant on her own volition and also states that the applicant has not committed any offence against her at any point of time. 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. It is also submitted that the applicant can not be kept in custody for indefinite period. Applicant is a permanent resident of District Vidisha and there is no likelihood of his absconsion or tampering with the prosecution evidence and he is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made.

Learned Panel Lawyer for the State opposed the application contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out and prays for rejection of the application.

However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

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Considering the overall facts and circumstances of the case coupled with the fact that trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant namely – **Ritesh Lodhi** be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with one local surety of the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

The applicant shall also furnish a written undertaking before the concerned court 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 Corona virus.

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;

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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 him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. **The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.**
5. **The applicant shall appear before the trial court once in a month during the pendency of trial**
6. **The applicant shall install Arogya Setu App (if not already installed) in his mobile phone;**
7. The applicant will not seek unnecessary adjournments during the trial; and
8. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned Panel Lawyer 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.

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

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

(S.A.Dharmadhikari)
Judge