

HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 9678/2020****(Narendra Raghuvanshi Vs. State of M.P.)****Gwalior, Dated:19.05.2020**

Shri Prakhar Dhengula, learned counsel for the applicant.

Shri Vijay Sundaram, learned Panel Lawyer for respondent/State.

Matter is heard through video conferencing.

This is the **first** application under Section 438 of the Cr.P.C filed by the applicant, who apprehends his arrest in connection with Crime No.655/2019, registered at Police Station Kotwali, District Vidisha, for the offences punishable under Sections 306 read with Section 34 of IPC.

It is the submission of counsel for the applicant that applicant apprehends his arrest on the basis of registration of offence referred above. It is further submitted that in dying declaration name of the applicant does not figure and only on the basis of statement of brother of deceased, he has been implicated by the police. Applicant does not bear any criminal record and the case is only of abetment to the deceased to commit suicide. It is the matter of fact which is to be deciphered through documents. Minor financial transaction between deceased and applicant has been tried to be converted into case of false implication. Confinement would bring social disrepute and personal inconvenience. He undertakes to cooperate in trial/investigation and would not be a source of embarrassment or

harassment to the complainant party in any manner. He undertakes to serve the national cause by making contribution in **PM Care Fund** and install **Arogya Setu App**. Accordingly, prayer for anticipatory bail has been made.

Learned counsel for the State opposed the prayer and prayed for dismissal of the application.

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

The Supreme Court by order dated 23-3-2020 passed in the case of **IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS** in **SUO MOTU W.P. (C) No. 1/2020** has directed all the States to constitute a High Level Committee to consider the release of prisoners in order to decongest the prisons. The Supreme Court has observed as under :

“The issue of overcrowding of prisons is a matter of serious concern particularly in the present context of the pandemic of Corona Virus (COVID – 19).

Having regard to the provisions of Article 21 of the Constitution of India, it has become imperative to ensure that the spread of the Corona Virus within the prisons is controlled.

We direct that each State/Union Territory shall constitute a High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home/Prison) by whatever designation is known as, (ii) Director General of Prison(s), to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State/Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.

After considering the rival submissions as well as considering the peculiar fact situation, wherein, we are facing wrath of pandemic COVID-19, this Court is of the considered opinion that applicant deserves to be released on bail.

As this Court is not in a position to consider the facts of the case in detail, however, considering the fact that in view of Covid-19 pandemic, without commenting on the merits of the case, it is hereby directed that in the event of arrest, the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** to the satisfaction of Investigation Officer / trial Court, as the case may be with submission of written undertaking that he will abide by the terms and conditions of different circulars, orders as well as guidelines issued by Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel Corona Virus (COVID-19) pandemic and he will have to install **Arogya Setu App**, if not already installed.

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 offence of which he is accused;
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; and
7. **Applicant shall deposit Rs.10,000/- in PM CARES Fund having Account Number : 2121PM20202, IFSC Code: SBIN0000691, SWIFT Code : SBININBB104, Name of Bank & Branch : State Bank of India, New Delhi Main Branch.**
8. 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