

The High Court Of Madhya Pradesh
CRA-2573-2021

(KAMAL KISHOR RAWAT Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Gwalior, Dated :24.04.2021

Shri Satyendra Singh Rawat, learned counsel for the appellant.

Shri Manish Nayak, learned Panel lawyer, for the State.

Heard the learned counsel for the parties through Video Conferencing.

Present appeal has been filed under Section 14-A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter would be referred as “the Act”) against the order dated 15.01.2021 passed by the Special Judge, Datia whereby the bail application of the appellant under Section 439 of Cr.P.C has been rejected.

The appellant is in custody since 31.12.2020 in connection with Crime No.301/2020 registered at Police Station Badoni, District Datia for the offence punishable under Sections 302, 201, 147, 149, 34 of IPC and 3(2)(5), of S.C.S.T. Act 1989.

It is submitted by the counsel for the appellant that the appellant is in custody since 31.12.2020. The appellant is the first offender. The appellant is claiming parity with co-accused Thakurdas Yadav who has been enlarged on bail vide order dated 1.04.2021 passed in Cr.A. No.2251/2021. The appellant is ready to abide by all the terms and conditions which may be imposed by this court while considering the application for grant of bail.

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Per contra, learned Panel Lawyer for the State could not dispute the factum of identity and has fairly admitted the factum of parity with Thakurdas Yadav and he has not disputed the fact that the applicant is the first offender.

Considering the over all facts and circumstances of the case and the facts that appellant is parity with co-accused Thakurdas Yadav and also the fact that the appellant is first offender having no criminal history, this court deems it appropriate to allow this appeal. The appellant is directed to be released on bail **subject to verification of the fact that the appellant is having no criminal history** and on furnishing surety bond of **Rs.50,000/- (Rs. Fifty thousand Only)** with one solvent surety in the like amount to the satisfaction of trial Court. The appellant shall submit written undertaking that he will abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the 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 appellant :-

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1. The appellant will comply with all the terms and conditions of the bond executed by him;
2. The appellant will cooperate in the investigation/trial, as the case may be;
3. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The appellant shall not involve any other offence, in case the applicant indulges in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled.
5. The appellant will not seek unnecessary adjournments during the trial;
6. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. If the appellant is found involved in any other case except what has been stated above, this bail shall stand rejected without reference to the court;
8. The appellant will inform the concerned S.H.O. 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 as well as Superintendent of Police concerned who shall inform the concerned SHO regarding the same.

Appeal stands allowed and stands disposed of.

The appellant shall install Arogya Setu App in his mobile immediately and would intimate their place of residence to the SHO of concerned Police Station; where they reside. Appellant shall further submit the undertaking to the effect that he will abide by the

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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.

In view of the COVID-19, jail authorities are directed that before releasing the appellant medical examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that he is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be ensured, otherwise appellant shall be released immediately on bail and shall be given a pass or permit for movement to reach his place of residence.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

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(Vishal Mishra)
Judge