

THE HIGH COURT OF MADHYA PRADESH
MCRC-10910-2021

(GUDDAN SINGH SIKARWAR Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated : 01/03/2021

Shri Vinod Kumar Sharma, learned counsel for applicant.

Shri Narottam Sharma, learned Panel Lawyer for respondent/State.

The applicant has filed this second application u/S.439 Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Thatipur, District Gwalior(M.P.) in connection with Crime No.111/2015 registered in relation to the offence punishable u/S. 392 of IPC and Sec. 11/13 of M.P.D.V.P.K. Act.

It is submitted by the counsel for the applicant that it is case of bail jump. The applicant has jumped and he was absconding. He has surrendered. It is submitted that first bail application under Section 439 of Cr.P.C. was granted by this Court to the applicant vide order dated 13.04.2015 passed in M.Cr.C.No.3206/2015. However, during the course of trial, the applicant could not mark his presence before the trial Court on the contemplated dates, therefore, the bail application filed by the applicant was cancelled on 16.02.2021. The applicant is ready to abide by all the terms and conditions that may be imposed by this court while considering the application for grant of bail. The applicant has also shown his

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willingness to contribute an amount of Rs.5000/- (Rs. Five Thousand) towards the benefit of the needy residing in Mercy Home, Gwalior. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the State has opposed the bail application stating that the applicant was absconding and he has surrendered on 16.02.2021. The State counsel has prayed for rejection of the bail application.

The application is allowed. The applicant is directed to be released on bail **only on submission of receipt of deposit of Rs.5000/- (Rs. Five Thousand) with the Administrator of Mercy Home Gwalior in the Account No.51432040002780 IFSC Code-PUNB0514310 of Punjab National Bank, Branch Gwalior, Mansik Arogyashala, Jail Road, Gwalior, and on furnishing surety bond of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety** of the like amount to the satisfaction of the Investigation Officer/trial Court, as the case may be with submission of written undertaking and the applicant will abide by all terms and conditions of the different circulars, orders as well as

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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 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 him 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; and
6. The applicant will not leave India without previous permission

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of the trial Court/Investigating Officer, as the case may be.

7. The applicant 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.

In view of the COVID-19, jail authorities are directed that before releasing the applicant, 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 applicants shall be released immediately on bail and shall be given a pass or permit for movement to reach his place of residence.

E- copy of this order be sent to the trial Court concerned for compliance.

(Vishal Mishra)
JUDGE