

THE HIGH COURT OF MADHYA PRADESH
Merc.18086-2021
(Yogesh alias Lallu Vs. State of M.P.)

Gwalior Dt. 22.04.2021

Shri K.L. Gupta, learned counsel for the petitioner.

Shri A.K. Nirankari, learned Public Prosecutor for the respondent-State.

Case diary is perused.

Learned counsel for the rival parties are heard through video conferencing.

This is 1st application filed u/S.439 Cr.P.C. for grant of bail by the petitioner.

The petitioner has been arrested on 11.08.2020 by Police Station Mihona, District Bhind (M.P.), in connection with Crime No.26/2004 registered in relation to the offences punishable u/Ss.457, 380, 511 of IPC.

Learned Public Prosecutor for State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Petitioner is alleged with theft in dwelling house after house trespass. The subject matter of theft which is a thresher was recovered from the co-accused to whom the petitioner had sold the same. Investigation in the matter is over. Petitioner has criminal antecedents.

Petitioner has though been surrendered after almost 16 years of incident but considering the fact that he has suffered more than eight months of incarceration and prolonged pre-trial detention being an anathema to the concept of liberty and especially looking to the 2nd wave

of Covid-19 pandemic, this Court is inclined to extend the benefit of bail to the petitioner but with stringent condition in view of criminal antecedents of petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only) with two solvent sureties of the like amount** to the satisfaction of the concerned available Magistrate.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

- 1.The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the trial ;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trials;
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The petitioner shall appear and mark his presence before the concerned trial Court once in every fortnight till conclusion of investigation.
8. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary

protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt during release, travel and residence of the petitioner during period of bail as a consequence of this order.

The petitioner has gracefully agreed to act as a Shiksha Swayamsevak by rendering physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner. [याचिकाकर्ता ने एक शिक्षा स्वयंसेवक के रूप में अपने निवास के निकट अवस्थित सरकारी प्राथमिक विद्यालय में स्वच्छता और आरोग्य को सुनिश्चित करने के लिए शारीरिक एवं वित्तीय सहायता प्रदान करने एवं अपने कौशल व संसाधनों से उक्त विद्यालय में अवसंरचनात्मक सुविधाओं की कमियों को दूर करने की स्वेच्छया सहमति प्रदान की है।]

The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [याचिकाकर्ता एक विशिष्ट प्राथमिक सरकारी स्कूल का चयन करने के पश्चात् इसके बारे में ग्राम पंचायत के कार्यालय (ग्रामीण क्षेत्र के मामले में) और/या सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) जिसके क्षेत्राधिकार में उक्त स्कूल अवस्थित है, को सूचित करेगा।].

It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner. [यह सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) और/या उक्त ग्राम पंचायत के सरपंच और सचिव (ग्रामीण क्षेत्र के मामले में) की संयुक्त जिम्मेदारी होगी कि, याचिकाकर्ता द्वारा प्रदत्त सूचना को संरक्षित करे।].

The Registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education

Officer, Block Education Officer of the district/block concerned for information and follow up.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the District Education Officer, Block Education Officer of the district/block concerned who in turn shall encourage the petitioner to indulge in community service as aforesaid.

A copy of this order be sent to the Court concerned for information.

C.c as per rules.

(Sheel Nagu)
Judge

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