

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC-19426-2021**  
(*VAKIL SINGH AND OTHERS Vs THE STATE OF MADHYA PRADESH*)

**Gwalior, Dated : 22/04/2021**

**Heard through video conferencing.**

Shri Sarang Gupta, learned counsel for applicants.

Shri V.P.S. Tomar, learned Panel Lawyer for respondent/State.

Heard learned counsel for the parties.

The applicants have filed this first application under section 439 of the Cr.P.C. for grant of bail. Applicants have been arrested by Police Station Banmore, District Morena (M.P.) in connection with Crime No.62/2021 registered in relation to the offence punishable u/Ss. 307, 147, 148, 149, 294, 323, 506 and 353 of IPC.

It is submitted that as per the prosecution story, the allegations against all the accused persons are of inflicting injuries by means of *lathi* and *pharsa on the* complainant party. The injuries are found simple in nature as per the MLC, therefore, it is argued that no offence under Section 307 of IPC could have been registered against the applicants. They are in custody since 19.03.2021. It is submitted that applicants are first offender and they undertake to abide all the condition, which may be imposed by this Court and there is no possibility of their absconding or tempering with the

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prosecution case. Accordingly, prayer for regular bail have been made.

Per contra, learned counsel for the State has opposed the bail application stating that all the co-accused persons have jointly inflicted injuries with an intention to cause death of the complainant party, but he fairly submits that all the injuries are found to be simple in nature as per the Medical report. He further fairly submits that as per the case diary, they are having no criminal antecedents.

Considering the overall facts and circumstances of the case and also looking to present scenario of COVID-19 coupled with the fact that applicants having no criminal history, this Court deems it appropriate to allow this application. Accordingly, ***the application is allowed subject to verification of the fact that they are having no criminal history.*** The applicants are directed to be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only) each** with one solvent surety of like amount to the satisfaction of the Investigation Officer /trial Court, as the case may be with submission of written undertaking and they shall abide by all terms and conditions of the different circulars, orders as

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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 they 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 applicants :-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves 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 applicants shall not commit an offence similar to the offence of which they are accused.
5. The applicants will not seek unnecessary adjournments during the trial; and
6. The applicants will not leave India without previous

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permission 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 their 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 applicants, medical examination of applicants shall be undertaken by the jail doctor and on prima facie, if it is found that they are 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 their place of residence.

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

**(Vishal Mishra)**  
**JUDGE**