

HIGH COURT OF MADHYA PRADESH**MCRC.No.29634/2021****(Komal Vs. The State of M.P.)****Gwalior, Dated : 18.06.2021**

Shri Kushagra Shukla, learned counsel for the applicant.

Shri Kaushlendra Singh Tomar, learned Govt. Advocate for the State.

Heard through Video Conferencing.

The applicant has filed this first application u/S.439 Cr.P.C. for grant of bail. The applicant has been arrested on 06.06.2021 by Police Station राधौगढ़, District Guna (M.P.) in connection with Crime No.231/2021 registered in relation to the offence punishable u/S. 34 (2) of the Excise Act, 1915.

It is submitted by the counsel for the applicant that as per prosecution story, 80 litres illicit liquor has been recovered from the possession of the present applicant. It is submitted that the applicant has not been enlarged on parole and the applicant is in custody. 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. There is no possibility of his absconding or tampering with the prosecution case. Looking to the present pandemic scenario of Covid-19, learned counsel for the applicants prays for grant of bail to the applicant.

Per contra, learned Govt. Advocate for the State has opposed the bail application stating that the investigation is pending. There is no

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criminal past against the present applicant.

Considering the overall facts and circumstances of the case and *subject to verification of the statement made by the applicant's counsel that the applicant has not been enlarged on parole and he is in custody*, this Court deems it appropriate to allow this application.

The application is allowed. The applicant is directed to be released on bail 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 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,

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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 move in the vicinity of complainant party and 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.

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 Govt. Advocate to send copy of this order to SHO of concerned police station as well as the concerning Superintendent of Police who shall inform the concerned SHO regarding the same.

Application stands allowed.

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 she is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be

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ensured, otherwise applicant 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 provided to the applicant and E-copy of this order be sent to the trial Court concerned for compliance. It is made clear that E-copy of this order shall be treated as certified copy for practical purposes in respect of this order.

AK/-

(Vishal Mishra)
Judge