

HIGH COURT OF MADHYA PRADESH**MCRC.No.29673/2021****(Chotu alias Hariram Vs. The State of M.P.)****Gwalior, Dated : 18.06.2021**

Shri R.V.S.Ghuraiya, 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 04.01.2021 by Police Station Gole Ka Mandir, District Gwalior (M.P.) in connection with Crime No.602/2020 registered in relation to the offence punishable u/Ss.365, 364-A of IPC and Section 11/13 of MPDVPK Act.

It is submitted by the counsel for the applicant that the case of the applicant is in total parity with the other co-accused Ramniwas who has already been enlarged on bail by this Court vide order dated 11.06.2021 in M.Cr.C.No.26953/2021. It is pointed out that the other co-accused Yogesh Baisla is in custody in some other offences registered at Kotwali Faridabad for which the information was already tendered by the applicant's counsel to the police authorities. He has filed an application before the trial Court for calling the other co-accused Yogesh Baisla through production warrant. It is submitted that copy of the application is available. As far as two other criminal cases are concerned, he is already on bail in other offences. Looking to the custody period as well as the fact that there is no further

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requirement of custodial interrogation of the present applicant coupled with the present scenario of Covid-19, he prays for grant of bail.

Per contra, learned Govt. Advocate for the State has opposed the bail application stating that the present applicant is a history sheeter and is having a criminal history of three other cases and the other co-accused Yogesh Baisla is not in custody as per the diary record. But he could not make a statement on the aforesaid aspect that whether the co-accused Yogesh Baisla is in custody in some other cases in Faridabad. However, he fairly submits that apart from this, the case of the applicant is in parity with the other co-accused Ramniwas.

Considering the overall facts and circumstances of the case and *subject to verification of the statement made by the applicant's counsel that the other co-accused Yogesh Baisla is in custody in some other offences in Faridabad*, 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

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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 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

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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 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