Gwalior Bench: Dated -08/10/2021

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Shri M.L. Yadav, learned counsel for the applicant.

Shri PPS Bajeeta, learned PP for the respondent/State.

Matter is heard through physical hearing.

The applicant has filed this first bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 06-09-2021 by Police Station Bhitarwar District Gwalior in connection with Crime No.389/2021 registered for offence under Section 34(2) of M.P. Excise Act, 1915.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 06-09-2021 whereas charge-sheet is likely to be filed soon. As per accusation of prosecution, 100 bulk liters liquor was found from the possession of the applicant. Applicant has no criminal record. Looking to the period of custody and challenging period of COVID-19 pandemic, his case be considered. He learnt the lesson hard way and would mend his ways and would not commit the same nature of offence. Confinement since 06-09-2021 amounts to pretrial detention. He undertakes to cooperate in trial. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions

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issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing. Thus prayed for grant of bail.

Counsel for the State opposed the prayer and prayed for dismissal of the bail application.

Heard learned counsel for the parties at length and considered the arguments advanced by them.

Considering the submission advanced by learned counsel for the parties and period of custody, as well as COVID-19 pandemic, without commenting on the merits of the case, it is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/-** (**Rupees Fifty Thousand only**) with one solvent surety of the like amount to the satisfaction of trial Court.

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;

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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 them 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;

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5. The applicant will not move in the vicinity of

complainant party and 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; and

7. Applicant shall not indulge in criminal activities in

future and shall not repeat the same nature of offence

otherwise the benefit of bail shall be withdrawn immediately.

Application stands allowed and disposed of.

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

compliance and information.

Certified copy as per rules.

(Anand Pathak)
Judge

Anil*