

The High Court of Madhya Pradesh
Merc. 9129/2021
(Ramniwas Gurjar Vs. State of M.P.)
Gwalior dated 22.04.2021

Shri Yogendra Kumar Shrivastava, learned counsel for petitioner.

Shri G.P.Chaurasiya, learned Public Prosecutor for respondent/State.

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

The petitioner has filed this second repeat application u/S. 439 of Cr.P.C. for grant of bail.

The petitioner has been arrested on 19/1/2021 by Police Station Noorabad, District Morena (M.P.) in connection with Crime No. 128/2012 registered in relation to the offences punishable u/Ss. 392 & 397 IPC & Ss. 11 & 13 of MPDVPK Act.

Learned Public Prosecutor for the 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.

Present is a case of bail jump where initially the petitioner was admitted to bail by this court on 30/4/2014 in Merc 3247/2014. The petitioner marked his presence before trial court on some dates but thereafter he remained absconding from 22/6/2016 for nearly 4

& ½ years due to which his bail bonds were cancelled and arrest warrant was issued pursuant to which petitioner has been arrested and in custody since 19/1/2021.

Since initially petitioner had been admitted to bail on merits but due to absence of petitioner before trial court, his bail bonds were canceled leading to his arrest on 19/1/2021 and that he has suffered more than 3 months of incarceration and further looking to special circumstances of ongoing Covid-19 pandemic and that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose possibility of petitioner fleeing from justice, this Court though is inclined to extend the benefit of bail to the petitioner with certain stringent conditions.

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 each of Rs. 25,000/- 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 learned 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.
- 8.** The petitioner shall mark his presence before concerned Trial Court once every fortnight till conclusion of trial.

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

(Bu)