

**HIGH COURT OF MADHYA PRADESH**

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**M.Cr.C.No.9296/2021**

**(Gayaprasad alias Gayadeen alias Gayajeet Dandotiya Vs. State of M.P.)**

**Gwalior Bench: Dated -22/02/2021**

Shri Gaurav Mishra, learned counsel for the applicant.

Shri Lokendra Shrivastava, learned PP for the respondent/State.

Matter is heard through physical hearing.

The applicant has filed this second bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 21-12-2020 by Police Station, Station Road, Morena in connection with Crime No.573/2020 registered for offence under Section 34(2) of M.P. Excise Act. His earlier bail application was dismissed as withdrawn.

It is the submission of learned counsel for the applicant that false case has been registered against him and he is suffering confinement since 21-12-2020 whereas charge-sheet has already been filed. As per accusation of prosecution, 671 bulk liters liquor was found from the possession of the applicant and other co-accused persons. Applicant has no criminal record. Looking to the period of custody, 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 21-12-2020 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 issued by Central Government, State Government as well as Local Administration regarding

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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.

After considering the rival submissions as well as considering the peculiar fact situation, wherein, we are facing wrath of pandemic COVID-19, this Court is of the considered opinion that applicant deserves to be released on bail.

As this Court is not in a position to consider the facts of the case in detail, however, considering the fact that in view of 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.1,00,000/- (Rupees One Lac only)** with **two solvent sureties** 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

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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 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;

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.

**7. Applicant shall mark his presence before the concerned Police Station once in a fortnight between 10 am to 2 pm till conclusion of trial.**

Application stands allowed and disposed of.

**Copy** of this order be sent to the trial Court concerned for information and compliance.

Certified copy as per rules.

**(Anand Pathak)**  
**Judge**