

HIGH COURT OF MADHYA PRADESH**MCRC No.16120/2020****(Mohammad Sohail Vs. State of M.P.)****Indore: Dated:- 03/07/2020:-**

Ms. Ashish Gupta, learned counsel for the petitioner.

Shri R.K. Shastri, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

ORDER

This is the first bail application under Section 439 of Cr.P.C. in connection with Crime No.211/2020 under Section 332, 353, 186, 188, 294 and 506 of IPC registered at Police Station – Barwani, District Barwani.

2. According to the prosecution case, Revenue Inspector Hiralal Aske was deployed to propagate awareness about COVID-19 or Corona virus pandemic in Panvadi Mohalla. He was discharging his duty, asking the persons to maintain social distance and was also trying to explain to them seriousness of the Corona virus and precautions to be taken to protect themselves and the society at large from getting infected from the Virus. He was trying to convince the persons to wear masks and to maintain social distance. During the course of his duty, he noticed the petitioner roaming in the vegetable market without wearing mask. He explained him that due to his negligence, there is a possibility of transmission of Corona virus in the society and requested him to follow the guideline/directions issued by the

Government/Authorities and to wear a mask in the public places. The petitioner got annoyed and assaulted him. He struck a stick on his head and also threatened him for dire consequences. The other public servants present there intervened and rescued him. In medical examination, corresponding injury was found on his head.

3. The bail is pleaded on the ground that the offence is not much serious. The petitioner is in jail since last three months and has learned a lesson. He has no criminal antecedent. No minimum sentence is prescribed for the offence. The trial is likely to take time. Therefore, he be granted bail.

4. Objection of the learned panel lawyer is that the complainant was a CORONA warrior. He was working selflessly for welfare of the society at large at the risk of his own life. Any misbehavior with such warriors should be taken seriously, else it will immensely discourage and demoralized them. The attitude of the petitioner does not deserve any sympathy or leniency. His negligence, stubborn and adamant attitude had not only put his own life at risk but had also posed serious threat of wide transmission of virus in the society. He has thrown water on the efforts of the Government to save the society from the pandemic. His action has jolted and shattered the hopes to curb the menace of the Corona pandemic and has weaken the fight against the Corona virus. He defied and flouted the norms and the directions issued by the government for safety and security of the citizens. Such type of handful persons are responsible for

speedy transmission of the pandemic and the society is forced to face sting of it without their fault. Therefore, he does not deserve to be enlarged on bail.

5. At this stage, the learned counsel for the petitioner submitted and proposed that stringent conditions including the condition of extending services in any designated CORONA Hospital may be imposed. He further submitted that the petitioner is ready to deposit Rs. 10,000/- in the PM CARES Fund created to fight COVID-19 pandemic.

6. In view of the aforesaid submissions of the petitioner and keeping in view the fact and circumstances of the case, I deem it proper to allow the bail. Therefore, without commenting on the merits of the case, the application is allowed.

7. It is directed that the petitioner **Mohammad Sohail S/o Mohammad Sabir Mansoori, R/o.Panvadi Mohalla, Barwani (MP)** be released from custody on their furnishing a personal bond in the sum of Rs. 30,000/- (Rupees Thirty Thousand) with one solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions:

(i) The petitioner shall deposit Rs.10,000/- (rupees Ten Thousand only) in PM CARES fund and submit its receipt at the time of furnishing bail before the trial Court.

(ii) The petitioner shall extend his services in the designated COVID-19 hospital under the direction of the Collector/Nodal Officer appointed to manage and monitor the fight against COVID-19 pandemic

and under supervision of the head of the hospital for next three months to look after the Corona positive cases.

(iii) The petitioner shall also abide by the conditions as enumerated in Section 437(3) of the Cr.P.C.

8. Immediately after getting release from the jail, the petitioner shall appear before the Collector/Nodal Officer, Badwani with a copy of this order, who will direct him to report before the head of the hospital designated for COVID-19 patients. If his services are not required in Badwani he may be directed to report before the Collector/Nodal officer, Indore, who shall take his services in any hospital designated for the same purpose.

9. The presence of the petitioners be recorded daily following the law such as weekly off etc. and at the end of the aforementioned period of three months, the Collector/Nodal Officer/Superintendent of the concerned hospital shall submit a report before the Principal Registrar of this Court, who shall place the same before the Court on the administrative side.

10. It is made clear that in case of any negligence on the part of the petitioner in complying the order in its spirit, this order shall be deemed cancelled without any further reference to this Court and the petitioner shall immediately surrender before the trial Court.

**(Virender Singh)
Judge**