

HIGH COURT OF MADHYA PRADESH**MCRC No.19471/2020****Irshad Ali and Juber Vs. State of M.P.****MCRC No.19475/2020****Jafar and Shahrukh Vs. State of MP****MCRC No.19476/2020****Golu @ Salman Vs. State of MP****Indore: Dated:- 03/07/2020:-**

Shri Dharmendra Kehrwar, learned counsel for the petitioners.

Shri Amit Pal, 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 Crime No.234/2020 under Section 353, 332, 323, 294, 341, 147 of IPC registered at Police Station – Station road District Ratlam.

2. According to the prosecution case, Sub Inspector Jayram Jamod was deployed to propagate awareness about COVID-19 or Corona virus pandemic in Mochipura area. He was discharging his duty and was trying to explain to the public at large about the seriousness of the Covid-19 Pandemic. He was also trying to tell them about the precautions to be taken to save themselves and the society at large from getting infected from the Corona Virus. He was trying to convince the persons to wear masks and to maintain social distance. During the course of his duty, he noticed that flouting the order of lock down, a mob of youngsters

came out of the houses and started defying the directions of the Government. He tried hard to exhort them to stay in their house and to follow the direction to avoid spread of contagious disease. When he was requesting them to obey the order of the Government for their own safety, they started pelting stones and also thrashed him. The incident got recorded in Close Circuit cameras.

3. The bail is pleaded on the ground that the offence is not much serious. The petitioners are young boys and were misguided by some antisocial elements. They are in jail since last two months and have learned a lesson. They have no criminal antecedent. No minimum sentence is prescribed for the alleged offences. They are not visible in the CCTV recording. The trial is likely to take time. Therefore, they deserve 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 petitioners do not deserve any sympathy or leniency. Their negligent, stubborn and adamant attitude had not only put their own lives at risk but had also posed serious threat of wide transmission of Corona virus in the society. They have thrown water on the efforts of the Government to save the society from the pandemic. Their action has jolted and shattered the hopes to curb the menace of the Corona pandemic and has weaken the fight against the corona virus. They defied and flouted the norms and directions issued by the government for safety and security of the citizens. Such type of handful persons are responsible for

sharp spread of the pandemic and the society is forced to face sting of it without their fault. Therefore, the petitioners do not deserve bail.

5. At this stage, the learned counsel for the petitioners 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 petitioners are ready to deposit Rs. 10,000/- each in the PM CARES Fund created to fight COVID-19 pandemic.

6. In view of the aforesaid submissions of the petitioners 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 petitioners **Irshad Ali S/o Liyakat Ali, Juber S/o Jakir Khan, Jafar S/o Jahir Mansori, Shahrukh S/o Sabir and Golu @ Salman S/o Mushtak** be released from custody on their furnishing a personal bond in the sum of **Rs. 30,000 (Rupees Thirty Thousand)** each with **one** solvent surety each of the like amount to the satisfaction of the Trial Court for their appearance before the Trial Court as and when required further subject to the following conditions:

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

(ii) The petitioners shall extend their 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 patients.

(iii) The petitioners 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 petitioners shall appear before the Collector/Nodal Officer, Ratlam with a copy of this order, who will direct them to report before the head of the hospital designated for COVID-19 patients. If their services are not required in Ratlam, they may be directed to report before the Collector/Nodal officer, Indore, who shall take their 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 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 deem canceled without any further reference to this Court and the petitioners shall immediately surrender before the trial Court.

(Virender Singh)
Judge

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