

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.34147/2020
Pradeep S/o Devkaran Yadav V/s. State of M.P.
-: 1 :-

Indore, dated : 25.09.2020

Shri R.B.Singh, learned counsel for the applicant.

Respondent/State by Ms. Priyanka Raj Panwar, Panel
Lawyer.

ORDER

This is a repeat **(Second)** application under Section 439 Cr.P.C. by applicant – **Pradeep S/o Devkaran Yadav**, who has been arrested by Police on **30.06.2020** in **Crime No.247/2020**, **Police Station Neemuch City, District Neemuch** concerning **offence under Sections 452, 354, 354(Kh), 354(Gh), 509 and 506 of the IPC**. First application (M.Cr.C. No.23198/2020) was dismissed as withdrawn vide order dated 07.08.2020.

2. Heard learned counsel for the parties through video conferencing and perused the case diary.

3. Learned counsel for the applicant submits that the applicant as well as complainant both are mature person. Applicant is having three kids and complainant is having two kids. Applicant is a close friend of the brother of the complainant and because of dispute between the brother and sister the present applicant has been falsely implicated in this case. He is in jail since 30.06.2020 but due to Corona epidemic the trial has not begun so far and there is no possibility of resumption of trial. There is a minimum sentence of one year and by that time he will undergo the entire sentence. The offence is triable by J.M.F.C. Learned counsel for the applicant further submits that there is no recovery from the applicant and the complainant has also not produced any adverse material against the applicant. Applicant has learnt enough lesson by remaining in jail

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.34147/2020

Pradeep S/o Devkaran Yadav V/s. State of M.P.

-: 2 :-

for three months and because of his long period in jail his innocent children are suffering a lot because there is no earning member in the family. He, therefore, prayed for grant of bail to the applicant.

4. On the other hand, learned Panel Lawyer opposes the prayer for grant of bail.

5. I have perused the case-diary. Taking into consideration the aforesaid facts, without commenting on the merits of the case, the application is allowed and the applicant is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)**, with **one solvent surety** in the like amount to the satisfaction of trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

6. Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of Covid -19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c. as per rules.

**(VIVEK RUSIA)
JUDGE**