

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M. CR. C. No. 48994 / 2020

SALMAAN S/O SAHID KHAN Vs. STATE OF M. P.

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INDORE, Dated : 13/01/2021

Heard through video conferencing.

Mr. Nilesh Manore, learned counsel for the petitioner.

Ms. Poorva Mahajan, learned Panel Lawyer for the respondent – State.

This is a repeat bail application (second) filed by applicant Salmaan s/o Sahid Khan, u/S. 439 of the Code of Criminal Procedure, 1973. The applicants is in custody since 14/09/2020, in connection with Crime No.845/2020, registered at Police Station Khajrana, Distt. Indore for commission of offence punishable u/Ss. 49-a of the MP Excise Act, 1915. His first applications was dismissed vide order dated 23/10/2020 with liberty to file a fresh application after four months.

Learned counsel for the applicants submits that the applicant is in custody since 14/09/2020 and he has been implicated falsely in the offence. It is further submitted that there is no past criminal record of the present applicant and the FSL report has also not been received.

Learned Panel Lawyer for the respondent State opposes the bail application.

I have perused the case diary. The present applicant is aged about 19 years and there is no past criminal track record of the applicant and he is in custody since 14/09/2020, the present application deserves to be allowed and is accordingly hereby allowed.

The applicants Salmaan s/o Sahid Khan is directed to be released on bail upon his each furnishing a personal bond in the

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sum of **Rs.40,000/-** (Rupees Forty Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance before that Court during the pendency of trial. It is made clear that in case the applicant is found involved in any other criminal activity, then this bail order shall stand automatically vacated.

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)
J U D G E

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