

THE HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE**M.Cr.C.No.49441-2020**

(Kurban @ Firoz Khan vs. State of M.P.)

Indore, Dated: 01.03.2021

Shri Ayushman Chowdhary, learned counsel for the applicant.

Shri Ankit Premchandani, learned Panel Lawyer for the respondent/State.

This petition has been filed under Section 482 of the Cr.P.C. seeking for extension of time to surrender the applicant before the trial Court as the co-ordinate Bench of this Court has granted temporary bail to the applicant vide order dated 19.10.2020 passed in M.Cr.C.No.35480/2020 on account of illness of his wife for a period of 15 days i.e. from 20.10.2020 till 03.11.2020 and he was also directed to surrender before the concerned trial court on 04.11.2020. However, as the applicant's wife was not well at that time the present application has been filed for extension of time to surrender the applicant.

Learned counsel for the applicant has submitted that vide order dated 5.12.2020 the period of temporary bail is extended up to 14.12.2020 and thereafter on 16.12.2020 again this Court was pleased to extend the period till the next date of hearing. Counsel has submitted although the matter was directed to be listed after two weeks however, the same could not be listed by the Registry. It is further submitted that since applicant's wife was also not well during the said period hence, he could not surrender and also for the reasons

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that no specific date of surrender was given by this Court. Counsel has submitted that the petitioner's wife is on the pass of the recovery as such the petitioner shall surrender within a week's time from today. Thus, counsel has submitted that further time be extended to allow the petitioner to surrender him before the trial Court. Counsel has further submitted that the applicant has not misused the liberty granted him as he duly attended his wife, who was hospitalized in Choitram hospital and has undergone the surgery.

Learned counsel for the respondent has opposed the prayer.

On due consideration of the rival submissions and taking note of the fact that earlier this Court has extended the period of temporary bail on two occasions and since the applicant is seeking further time to surrender, this Court finds that the prayer being reasonable and is allowed.

Accordingly, the present application is disposed of and the applicant is directed to surrender before the concerned trial court on **8.3.2021**. It is made clear that if the applicant does not surrender before the concerned trial court on the aforesaid date, he shall be arrested by the police to face the trial.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

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