

The High Court Of Madhya Pradesh**MCRC-39541-2020***(VISHAL PAWAR Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 25-11-2020****Heard through Video Conferencing.**

Ms. Indu Pande, learned counsel for the applicant.

Shri DK Khare, learned PL for the respondent/State.

Case diary is available with the learned panel lawyer for the State.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No. 126/2020 registered at P.S. Damua Kotwali District Chhindwara (M.P.) for the offence punishable under sections 34(2) and 42 of the Excise Ac.

As per the prosecution story, 175 bulk litre foreign liquor from a vehicle was recovered. On the basis of memorandum of the co-accused the present applicant has been arrayed as an accused in the matter.

Learned counsel for the applicant submits that the applicant is innocent and he is in custody since 29.09.2020 and due to Covid situation there is no progress in the trial. It is further submitted that applicant is a first offender and no other case for the similar nature of offence has been registered against him. There is no likelihood of applicant absconding and tampering with the prosecution evidence and his further custody is not required in this case. On the aforesaid grounds, prayer is made to release the applicant on bail.

Learned panel lawyer has opposed the submissions made on behalf of the applicant and prayed for rejection of the bail application however, conceded the fact that applicant has no criminal antecedents.

Looking to the facts and circumstances of the case alongwith the role attributed to the applicant that too on the basis of memorandum of the co-accused in offence and period of custody as well as the fact that no other case for the similar nature of offence has been registered against him and in near future there is no hope that trial will proceed further and will be concluded due to Covid situation, this application is allowed without

commenting anything on the merits of the case. It is ordered that applicant/accused Vishal Pawar be released on bail on his furnishing a personal bond for the sum of Rs. 1,00,000/- (Rs. one lac Only) with a solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Suo Moto Writ Petition(C) No. 1/2020 and ensure, that the Applicant is examined by the jail doctor before his release. If applicant show symptoms of COVID 19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID 19 patients. If the doctor is of the opinion that the Applicant is not affected with the virus, the jail authorities shall ensure their transportation from the jail till his place of residence. This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit any offence during the entire period of bail.
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court;
7. The applicant shall inform the Court about his/her address and

residence in case the applicant moves out from his/her permanent address for any point of time; and

8. The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for cancellation of bail granted today.

Certified Copy on payment of usual charges.

(AKHIL KUMAR SRIVASTAVA)
JUDGE

MSP

