

The High Court Of Madhya Pradesh

MCRC-40399-2020

(GUFRAAN @ PAIYA Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 25-11-2020

Heard through Video Conferencing.

Shri V.C. Rai, learned counsel for the applicant.

Shri Sanjeev Singh Parihar, learned Panel Lawyer for the respondent/State.

Heard on this first post-arrest application filed by the applicants under Section 439 of Code of Criminal Procedure for grant of bail.

The applicant is in jail since 21.7.2020 in connection with Ishtgasa No.1/2020, registered at Police Station-Kotwali District-Satna for offence under Section 41(1-4) of Cr.P.C. read with Section 379 of I.P.C.

Allegation against the applicant, in short, is that, the police found the applicant in suspicious condition. On interrogation, the applicant furnished information that he along with other co-accused, committed theft of motorcycles from various places and kept those motorcycles at various places. The police on the basis of information furnished by the applicant and at the instance of the applicant, seized those motorcycles, which did not belong to the applicant and suspected that those motorcycles have been stolen by the applicant along with other co-accused person. The police arrested the applicant and filed a Ishtgasa (Complaint) against him. Learned 5th Additional Sessions Judge, Satna dismissed the application filed by the applicant under Section 439 of the Cr.P.C. for releasing him on bail.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the case. The applicant is in custody since 21.7.2020. Looking to the present situation of widespread of Novel Corona Virus (Covid-19), it is prayed that the applicant be enlarged on bail.

On the other hand, learned Panel Lawyer for the respondent/State has opposed the application.

Having heard the learned counsel for the parties, it is reflected that no

criminal case is registered against the applicant. The applicant is arrested on the ground that he was having stolen property in his possession. The applicant is in jail in connection with the above mentioned Ishtgasa (Complaint) since 21.7.2020 and offence levelled against him under Section 41(1-4) of the Cr.P.C. and Section 379 of I.P.C. No doubt, the applicant is in judicial custody in connection with preventive part under Cr.P.C. as well as under Section 379 of the IPC.

In the above circumstances, this Court finds it fit to release the applicant on bail and bond till the matter is investigated properly by the prosecution and charge-sheet is filed against the applicant. Hence, this application is allowed.

It is directed that applicant **Gufan @ Paiya** shall be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac Only)** with one local solvent surety of the like amount to the satisfaction of the concerned Court, for his regular appearance whenever required before the Investigating Officer as well as before concerned Court, with a condition that he shall co-operate in the investigation and shall also abide by the conditions enumerated under Section 437(3) of Cr.P.C.

Jail authorities and State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus, before and after releasing the applicant.

Certified copy as per rules.

(VISHNU PRATAP SINGH CHAUHAN)
JUDGE