

HIGH COURT OF MADHYA PRADESH : JABALPUR**MCrC No.8375/2021***(Ravi Rao Sitole vs. State of Madhya Pradesh)***Jabalpur, dated : 22.02.2021.**

Shri Sourabh Bhushan Shrivastava, learned counsel for the petitioner.

Shri Akhilendra Singh, learned Govt. Advocate for the State.

O R D E R

| <i>Crime No.</i> | <i>Section</i> | <i>Police Station</i> | <i>Date of Arrest</i> |
|------------------|-----------------------------|----------------------------|-----------------------|
| 84/2021 | 34(2) of the M.P.Excise Act | T.T.Nagar, District Bhopal | 01.02.2021. |

As declared by the petitioner, this is the first application under Section 439 CrPC for grant of bail.

2. As per case of the prosecution, on 02.02.2021, 6 boxes containing 54 bulk litres of illicit liquor have been recovered from the joint possession of the petitioner and co-accused namely Abhishek Chouhan.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner is permanent resident of District Bhopal, there is no likelihood of his absconding or tempering with the prosecution case. Trial will take a long time to conclude. On these grounds, prayer is made to enlarge the petitioner on bail.

4. Learned counsel for the petitioner has referred to the medical documents of the petitioner and argued that he has underwent Kidney transplant in the year 2019 and requires hemodialysis twice per week. In support of his contention, a certificate issued by Dr. Vidyanand

Tripathi, Bansal Hospital, Bhopal is brought on record, which reads as under :

“This is to certify that Mr.Ravi Rao Sithole 33/M (BH105488) is a known case of CKD stage 5 (end stage renal disease), hypertension.

He was on regular Hemodialysis since 2017.

He underwent live related kidney transplant in 2019.

He was again initiated on regular twice per week hemodialysis since Oct, 2020 in view of graft failure.

He will require hemodialysis twice per week life long or till kidney transplant.”

5. The objection of learned counsel for the State is that earlier the petitioner has been convicted under Section 13 of the Gambling Act twice in the year 2012 and 2014.

6. Having regard to the quantity recovered from the joint possession of the petitioner and co-accused; nature of the criminal antecedent; physical condition of the petitioner and other facts and circumstances of the case, I deem it appropriate to release the petitioner on bail, therefore, without commenting on the merits of the case, the petition is *allowed*.

7. It is directed that the petitioner ***Ravi Rao Sitole*** be released from custody on his furnishing a personal bond in the sum of ***Rs.30,000/- (Rupees Thirty Thousand Only)*** with one solvent surety to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions :-

(i) The petitioner shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial.;

(ii) The petitioner shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;

(iii) The petitioner shall not commit any offence or involve in any criminal activity;

(iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

(VIRENDER SINGH)
JUDGE

anand