

THE HIGH COURT OF MADHYA PRADESH

Merc.19127.2020

(Arvind Patel Vs. State of M.P.)

Gwalior Dt. 26.06.2020

Shri Rajeev Upadhyay, learned counsel for the petitioner.

Shri A.S. Ghuraiya, learned Public Prosecutor for the State.

Case-diary is perused.

Learned counsel for the rival parties are heard through video conferencing.

The petitioner has filed this 1st application u/S. 439 of Cr.P.C. for grant of bail.

The petitioner has been arrested on 18.02.2020 by Police Station Badoni District Datia (M.P.) in connection with Crime No.37/2020 registered in relation to the offence punishable u/S. 307, 294, 34 of of IPC.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Attempt to murder is alleged against the petitioner. The allegation against the petitioner is of presence, uttering abusive words and using firearm causing injury to the injured. Petitioner is in custody since 18.02.2020. Charge-sheet in the matter has been filed on 18.05.2020 and therefore further custodial interrogation of petitioner is

not required. Petitioner has no criminal antecedents.

In view of above and looking to the special circumstances of ongoing Covid-19 pandemic and that early conclusion of the trial is bleak possibility and prolonged pre-trial detention is anathema to the concept of liberty and the material placed on record does not disclose possibility of the petitioner fleeing from justice, *this Court is inclined to extend the benefit of bail to the petitioner.*

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety of the like amount** to the satisfaction of the concerned Magistrate.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the trial ;
3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The petitioner shall not commit an offence similar to the offence of which he is accused;

5. The petitioner will not seek unnecessary adjournments during the trials;

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt during release, travel and residence of the petitioner during period of bail as a consequence of this order.

8. The petitioner alongwith petitioner in McrC No.11789/20 undertake to purchase and install a black coloured LED T.V. at Renbasera, District Hospital Morar worth atleast Rs.25,000/- manufactured in India or abroad except China.

Compliance report pertaining to Condition No.8 alongwith photographs in that regard shall be submitted to the Registry of this Court.

Registry shall supply copy of this order for compliance to Legal Aid Officer, SALSA, Gwalior who shall in turn depute a PLV to verify compliance of condition no.8 above and submit report to the Registry of this court within 2 weeks from today.

A copy of this order be sent to the Legal Aid Officer, SALSA, Gwalior for compliance.

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C.c as per rules.

(Sheel Nagu)
Judge

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