

The High Court Of Madhya Pradesh**MCRC-44068-2021***(ROMA KANJAR AND OTHERS Vs THE STATE OF MADHYA PRADESH)***3****Gwalior, Dated : 29-09-2021**

Shri A.P.S. Tomar, learned counsel for the applicants.

Shri B.M. Shrivastava, learned Public Prosecutor for the respondent-State.

The applicants have filed this **second** application u/S.439 Cr.P.C for grant of bail. Applicants have been arrested on 27/07/2021 by Police Station Tharet, Distt. Datia (M.P.) in connection with Crime No.23/2021 registered for offence under Section 34(2) of the M.P. Excise Act.

It is submitted by learned counsel for the applicants, namely, **Roma Kanjar and Hemlata Kanjar** that this is the second bail application of the applicants. Earlier bail application was dismissed as withdrawn by this Court vide order dated 18/8/2021 passed in M.Cr.C. No.40265/2021. Thereafter, the changed circumstance is further custody period of the applicants. The allegation of recovery of 600 bulk liters of liquor from the possession of the applicant is false. It is further submitted that the present applicants remained in Datia jail since 27/7/2021. Being a lady, it is very tough to accommodate in the jail custody, as the female and male offenders/ under trials are kept in the same campus in jail custody. Investigation and trial will take its own time. As the applicants are ladies and they are in custody since 27/7/2021, therefore, prays for grant of bail to the present applicants.

Learned State counsel has vehemently opposed the submissions and submitted that as per prosecution story, 600 bulk liters of liquor has been recovered from the possession of the present applicants and there are 15 criminal cases registered against the present applicants. Hence, prayed to reject this application filed for grant of bail to the applicants.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the arguments advanced by learned counsel for the parties, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicants shall be released on bail on each of them furnishing personal bond of **Rs.1,00,000/- (Rupees One Lac only)** with one solvent surety in the like amount to the satisfaction of the Court concerned for their regular appearance before the trial Court concerned on the dates fixed by it.

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 investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4. The applicant shall not commit any kind of offence. In case of commission of any kind of offence, this bail order shall automatically stand cancelled;**
5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the State Counsel to send copy of this order to SHO of concerned police station for information.

Application stands disposed of in above terms.

Before parting with this matter, it is apt that jail status report be called from the Director General, Prison and Correctional Services (M.P.) in regard to arrangements made to keep the male and female inmates as well as under trials and convicted inmates in separate jails. Therefore, State is hereby directed to submit aforesaid report before Principal Registrar of this Court

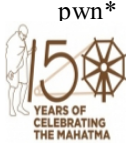
within a period of one month from the date of this order, who in turn is directed to place the same on administrative side.

Let copy of this order be sent to the trial Court concerned as well as State counsel for necessary compliance.

Registry is directed to communicate this order to Director General, Prison and Correctional Services (M.P.) for compliance.

Certified copy as per rules.

(RAJEEV KUMAR SHRIVASTAVA)
JUDGE



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