

HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.13154/2020

Dilip Vishwakarma Vs. State of M.P.

Indore, Dated:21.04.2020

Shri Lucky Jain, learned counsel for applicant.

Shri.Amol Shrivastava, learned counsel for respondent/ State.

Heard on the question of grant of bail.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for the offence punishable under Section 188 of the IPC registered with Police Station Birlagram, Nagda, Distt. Ujjain in Crime No.105/2020.

The allegation against the applicant is that he had opened his grocery shop during the lock down period in violation of the orders of the Collector and the customers had collected in front of his shop without following the social distancing norm.

Learned counsel for the applicant submits that the residence and shop of the applicant is located in the same building, therefore, customers had collected in front of his shop to purchase the grocery which was in short supply. He further submits that the applicant has now realised the importance of lock down and social distancing, therefore, he has volunteered to deposit Rs.10000/- in the Prime Minister Welfare Fund and is also ready to do the volunteer service for some time. He further submits that the offence is triable by JMFC and that the applicant is in custody since 9/4/2020 and he is no longer required for the investigation and he has also no criminal antecedence. He submits that the applicant is

required to take care of his two children and 65 year old father and there is no other male member in the family.

Learned counsel for the State has opposed the application for grant of bail.

On perusal of the case diary and considering the circumstances of the case, I find *prima facie* force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed with the further condition that the applicant will donate Rs.10,000/- (Rupees Ten Thousand) in the Prime Minister Cares Fund as voluntarily offered by him and will also do service as volunteer for a period of one week for at least three hours per day, as may be directed by the concerned SDM to whom he will duly inform this condition without any delay.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would also result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(PRAKASH SHRIVASTAVA)
Judge

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