

THE HIGH COURT OF MADHYA PRADESH

MCRC-13626-2020

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

Gwalior, Dt. 18.05.2020

Shri Jitendra Singh Kushwah, Advocate, for the petitioner.

Shri Nitin Agarwal, Panel Lawyer, for the respondent/State.

Learned counsel for the rival parties are heard.

This is 1st bail application u/S.439 CrPC filed by the petitioners for grant of bail.

Petitioner has been arrested on 13.12.2019 by Police Station City Kotwali District Ashoknagar (M.P.) in connection with Crime No.488/2019 registered in relation to the offences punishable u/S. 420, 467, 468. 409,477(A) of IPC and 66(D) of Information and Technology Act, 2008 (Emended).

Learned Panel Lawyer 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.

The petitioner is in custody since 13.12.2019 and the charge-sheet has been filed since long.

Counsel for the State informs that two co-accused are absconding and the amount of embezzlement of more than Rs.17 Lakhs is yet to be recovered.

Trial is pending and the same may not start in near future

due to Covid-19 crisis.

The petitioner is said to have criminal antecedents of minor nature which can be ignored.

Considering the aforesaid and looking to the period of custody which is more than five months and the fact that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose the possibility of the petitioners fleeing from justice, *this Court is inclined to extend 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. 50,000/- (Rs. Fifty 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 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;

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 trial;

6. The petitioner will not leave India without previous permission of the trial Court;

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 shall register himself with the concerned District Magistrate as “Covid-19 Warriors” by entering his name in a Register named as COVID-19 WARRIOR REGISTER. The petitioner then, shall be assigned work of Covid-19 disaster management, at the discretion of concerned District Magistrate by taking all prescribed precautions. The nature, quantum and duration of the work assigned is left to the wisdom of concerned District Magistrate. This Court expects that the petitioner shall rise to the occasion to serve the society in this time of crisis to discharge their fundamental duty of rendering national service when call

upon to do so as per Article 51-A(d) of the Constitution.

Registry is directed to communicate this order to the concerned District Magistrate for compliance.

The DM concerned is directed to intimate this court in case condition no.8 is not complied with and on receipt of any such intimation the Registry is directed to list the matter before appropriate bench as PUD.

A copy of this order be sent to the Court concerned for compliance.

C.c as per rules.

(Sheel Nagu)
Judge

ojha