THE HIGH COURT OF MADHYA PRADESH

M.Cr.C.No.13040/2020

(Bhupendra Singh Yadav Vs. The State of M.P. through CBI)

Jabalpur, Dated: 26.6.2020

Hearing through Video Conferencing.

Shri Saurabh Shrivastava, Advocate for the petitioner.

Shri J.K. Jain, Additional Solicitor General, for Union of India.

This is an application seeking bail under section 439 of the Code of Criminal Procedure, 1973 in Case No.RC 2172015S0014 old Crime No.728/2009, registered for offence under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, and under Sections 3D(1)(2) and 4 of the MP Recognized Examination Act, impugning order-dated 27.2.2020 passed by the Court of IX Additional Sessions Judge/Special Judge (Vyapam Cases), CBI, Bhopal, whereby the application moved by the petitioner had been dismissed.

Learned counsel for the applicant, *inter alia*, argued that the present applicant is alleged middleman in the aforesaid crime and has been falsely implicated in the present case. The applicant is in custody since 19.2.2020. It was submitted that this Court in the case of similarly situated co-accused person namely Santosh Gupta has granted bail. It was urged that the investigation in the present case is complete and the challan has been filed before the competent Court. The applicant is in custody for more than four months and as the trial is likely to take time the petitioner shall suffer irreparable loss in case he is not released on bail during the pendency of the trial.

Mr. J.K. Jain, learned Assistant Solicitor General, though vehemently opposed the prayer made and urged that it is a serious act committed by the petitioner and he does not deserve the concession of bail, but could not controvert the fact that the other similarly placed accused person, as claimed by the learned counsel for the petitioner, has already been enlarged on bail.

After hearing counsel for the parties and keeping in view the totality of the facts and circumstances of the case and without expressing any opinion on the merits of the controversy, the petitioner is directed to be

released on bail on the following conditions:

(1) Petitioner Bhupendra Singh Yadav shall furnish personal bond in the sum of **Rs.2,00,000/-** (Rupees Two Lakhs) with one solvent surety or blood relative in the like amount to the satisfaction of the Trial Court for his regular appearance during the trial in the aforesaid case.

(2) The petitioner/applicant shall also comply with the conditions enumerated under Section 437 (3) of Code of Criminal Procedure meticulously;

(3) The applicant/petitioner will deposit his passport, if available, with the Investigating Agency, else file affidavit in this Court declaring that the applicant do not have any passport of any country. The applicant/petitioner shall not leave the Country without prior permission of the High Court. This compliance will be condition precedent for release on bail; and,

(4) The Jail Authority is also directed to ensure that the applicant is examined by the Jail Doctor for Covid-19 before his release. In case, the Jail Doctor is of the opinion that the applicant can be released, all precautionary protocol prescribed from time to time by the Supreme Court, the Central Government and as well as the State Government during release, travel and residence of the applicant during the period of bail be also strictly adhered to.

The bail application stand **disposed of** accordingly.

(AJAY KUMAR MITTAL)
CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
J U D G E

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