THE HIGH COURT OF MADHYA PRADESH

MCRC NO.31703/2020

(Kadar Khan Vs. State of MP)

(Through Video Conferencing)

Jabalpur, Dated: 07/12/2020

Shri Rahul Tripathi, learned counsel for the applicant.

Shri Gaurav Tiwari, learned Panel Lawyer for the respondent-State.

Shri Devendra Uikey, Sub Inspector, Police Station Ari District Seoni is also present through video conferencing.

Heard and perused the case diary.

This is the second bail application under Section 439 of Cr.P.C. filed by the present applicant, who is in custody since 6.7.2020 in connection with Crime No.96/2020 registered at Police Station Ari District Seoni for the offences punishable under Sections 307, 353, 279, 427, 109, 34 of IPC, Sections 4, 6, 9 of M.P. Gau Vansh Vadh Pratished Adhiniyam and Sections 132 & 184 of the Motor Vehicles Act. The earlier application (MCRC No.23972/2020) was dismissed on 6.8.2020 as withdrawn.

The allegation against the present applicant is that he aided in the commission of the offence by piloting in front of the truck in which cattles were being transported.

Considering the role assigned to the present applicant and the fact that there are no criminal antecedents of the applicant, the bail application can be allowed. Accordingly, without expressing any opinion on the merits of the case, the application of the present applicant is hereby **allowed**.

It is directed that present applicant namely **Kadar Khan** be released on bail on his furnishing a bond in the sum of **Rs.50,000/- (Rupees fifty thousand only)** with one surety bond of the same amount to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the Court.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Writ Petition No.1/2020 and ensure, that the Applicant is examined by the jail doctor before his release.

If the Applicant shows the symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the Applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

With the above the application is finally *disposed of.*

A typed copy of this order is being forwarded to the Office of the Advocate General and to Shri Gaurav Tiwari, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the learned Court below.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

Digitally signed by MANJOOR AHMED
Date: 2020.12.24 10:40:21 +05'30'

Ansari