HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.39077/2020

(Santkumar Athode **Vs.** State of Madhya Pradesh)

PRESENT : HON. SMT. NANDITA DUBEY, J (THROUGH VIDEO CONFERENCING)

Jabalpur, Dated :06.11.2020.

Shri Sunil Kumar Mishra, learned counsel for the applicant.

Shri G.S.Wadhwa, learned Panel Lawyer for the respondent/State.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C.

The applicant is in custody since 14.09.2020 in connection with Crime No. 267/2020 registered at P.S.-Excise Circle, District-Balaghat (MP) for the offence punishable under Sections 34(1)(ka) and 34(2) of the M.P. Excise Act.

As per the prosecution, 55 ltrs of illegal county made liquor alleged to have been seized from the possession of the applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the offence. There is no past criminal antecedent against the applicant. Lastly, it is submitted that the applicant is in custody since 14.09.2020 and trial would take considerable time to conclude, therefore,he may be released on bail.

Learned Panel Lawyer, on the other hand, has vehemently opposed the bail application and prayed for rejection of the same. However, he has fairly submitted that there is no past criminal antecedent against the applicant.

Considering the aforesaid, I am of the view that it is a fit case to enlarge the applicant on bail, therefore, without expressing any view on the merits of the case, this application is **allowed.**

HIGH COURT OF MADHYA PRADESH

It is directed that applicant **Santkumar Athode** shall be released on bail on his furnishing a personal bond in the sum of **Rs.30,000/- (Rs.Thirty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

This order will remain operative subject to compliance of the following conditions :-

> *"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 themselves 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 or to the Police Officer, as the case may be;*
>
> *4.* ***The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench****;*
>
> *5. The 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 learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from*

HIGH COURT OF MADHYA PRADESH

time to time by the Supreme Court, the Central Govt. as well as the State Govt.”

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. G.S.Wadhwa, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)

Judge

jitin

Digitally signed by JITIN KUMAR CHOURASIA
Date: 2020.11.04 14:37:22 +05'30'