THE HIGH COURT OF MADHYA PRADESH
MCRC-41031-2020
(SOHAN vs THE STATE OF MADHYA PRADESH)

JABALPUR
DATED : 15.12.2020 (through video conferencing)

Shri Arvind Pathak, Advocate for the applicant.

Shri Devendra Gangrade, Panel Lawyer for the respondent/State.

This is applicant's first application for bail under Section 439 of Cr.P.C. The applicant is in custody since 13.06.2020 in connection with Crime No.165/2015 registered at Police Station Morva, District Singrauli (M.P.) for the offences punishable under Sections 394, 323/34, 341 and 506 Part-2 of IPC.

The allegation against the applicant is one of bail jump as the applicant who was earlier released in the aforesaid offence on 18.06.2015, for appearance before the trial Court a perpetual warrant was issued against him in the month of January, 2020 and he was arrested on 13.06.2020.

Counsel for the applicant has submitted that the applicant is a labourer and had gone to earn his livelihood to the State of Punjab and was not aware that a warrant has been issued against him. The counsel has submitted that otherwise also the case against the other co-accused persons has already resulted in their acquittal and the present applicant is in jail since last 06 months and as such no purpose would be served to keep him in jail especially when the Courts are closed on account of Covid-19 situation.

Counsel for the respondent/State on the other hand has opposed the prayer and has submitted that the case diary is not available in proper format.

Having considered rival submissions, taking note of the fact that the applicant was earlier granted bail by the Trial Court and he is in jail since last 06 months, further taking note of the fact that the final conclusion of the trial is likely to take sufficiently long time on account of Covid-19 situation, without commenting on the merits of the case, the application is **allowed**.

It is directed that applicant- **Sohan** shall be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty**

Thousand Only) with separate surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

The prison authorities are also requested to ensure compliance of 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 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 to his place of residence.

It is further directed that if the applicant fails to turn up in the Trial Court on the dates as may be given by the learned Judge of the Trial Court, this order shall stand cancelled automatically and the applicant would be arrested in the present case.

A typed copy of this order be forwarded to the Office of the Advocate General and to Shri Devendra Gangrade, 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.

With the aforesaid, the present application filed under Section 439 of the Cr.P.C. stands **allowed** and **disposed of**.

Certified copy as per rules.

(Subodh Abhyankar)
Judge

DV

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