HIGH COURT OF MADHYA PRADESH : JABALPUR
M.Cr.C. No. 41237/2020

(Shanu @ Shamim Khan Vs. The State of M.P.)

PRESENT :

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

Jabalpur, Dated :24.11.2020

Shri S.S. Chouhan, learned counsel for the applicant.

Shri Sheetal Tiwari, learned Panel Lawyer for the respondent/State.

The applicant has filed this first application under section 439 of the Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station-Civil Line, District Rewa in connection with Crime No.1099/2019 registered in relation to the offences punishable under sections 8, 21, 22 of N.D.P.S. Act, 1985 and Section 5/13 of M.P. Drug Control Act. He is in custody since 28.09.2020.

The allegation against the present applicant and co-accused are that 100 bottles of onerex cough syrup has been seized from their possession.

Learned counsel for the applicant submits that the co-accused has already been granted bail in the same crime number, hence seeks parity. The applicant is in custody since 28.09.2020. Charge sheet has already been filed, therefore, no further custodial interrogation is required in the case. Applicant is a permanent resident of District Rewa and there is no likelihood of his absconsion. The applicant is ready to abide by all the terms and conditions

as may be imposed by this Court. With the aforesaid submissions, prayer for grant of bail is made.

Learned Panel Lawyer has vehemently opposed the bail application. It is submitted that a case under the provision of M.P. Excise Act has been registered against the present applicant. However, he fairly submits that the charge sheet has already been filed and there is no further requirement of any investigation. As far as the parity is concerned, the co-accused have already been granted bail by this Court Vide orders dated 17.-6.2020 and 26.06.2020 passed in M.Cr.C. No.7754/2020 and M.Cr.C. No.49106/2019 respectively.

Considering the facts and circumstances of the case and the charge sheet has already been filed and there is no further requirement of enquiry or investigation from the present applicant, I am of the view that it is a fit case for grant of bail to the applicant under Section 439 Cr.P.C. This application is **allowed.**

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

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

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 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 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; and

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned Panel Lawyer is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action. E-copy of this order be sent to the trial Court concerned for compliance, if possible by the office of this Court.

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

Digitally signed by RAVI SHANKAR SHRIVASTAVA
Date: 2020.11.24 17:09:28 +05'30'

(Nandita Dubey)
Judge

rss