IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 57389 of 2023

BETWEEN:-

THAKRARAM JAAT S/O SHRI DAMARAM JAAT, AGED ABOUT 48 YEARS, OCCUPATION: DRIVER R/O BHUNIYA TEHSIL SERWA DISTT. BARMER RAJ (RAJASTHAN)

.....APPLICANT

(SHRI SOMESH GOBHUJ - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION KOTWALI AGAR (MADHYA PRADESH)

.....RESPONDENT

(SHRI AJAY RAJ GUPTA- PUBLIC PROSECUTOR)

This application coming on for orders this day, the court passed the following:

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.616/2023 registered at Police Station - Kotwali Agar, District Agar Malwa (M.P.) under Sections 34(2) of Excise Act and 420, 467, 468, 471, 465 of IPC.

2. As per the prosecution case, from the possession of the applicant, total 2,205 ltr of liquor has been seized. Apart from that, it was found that number plate of the said vehicle was manipulated

3. Learned counsel for the applicant has prayed bail mainly on the ground that the applicant is HIV patient and he has filed documents to that

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effect.

4. Learned counsel for the respondent/state was directed to verify the same. On verification, it is submitted that the applicant is suffering from HIV which is immune compromise disease and he was getting treatment from ART Treatment Art Centre Government Hospital Badmer Rajasthan.

5. Learned counsel for the applicant further relied on an order passed by the Apex Court in the case of *Bhawani Singh Vs. State of Rajasthan* passed in *SLP (cri) No.2225/2022* decided on 11.04.2022. In the said case the court granted bail considering the disease of HIV and the provision of Human Immunodeficiency Virus and Acquired Immune Dificiency Syndrome (Prevention and Control) Act, 2017 and there is no criminal record of the applicant.

6. After hearing learned counsel for parties, I am of the view that the applicant is entitled for grant of bail, however on certain conditions. Therefore, without expressing any view on the merits of the case, the application is allowed.

7. It is directed that Applicant- Thakraram Jaat shall be released from custody upon furnishing a personal bond of Rs.1,00,000/- (Rupees One Lakh Only) with one local surety of the like amount to the satisfaction of the court below on the following conditions :-

(i) the applicant shall mark his presence before the concerned police once in every month during the pendency of trial.

7. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the court

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below.

C.c. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

Sourabh

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