

The High Court of Madhya Pradesh

MCRC 14688/2020

(Rajeev Govila Vs. State of M.P.)

Gwalior dated 29.05.2020

Shri J.P. Mishra, learned counsel for the petitioner.

Shri Vijay Sundaram, learned Panel Lawyer, for the respondent/State.

Learned counsel for the rival parties are heard.

The petitioner has filed this first application u/S.439 Cr.P.C. for grant of bail.

The petitioner has been arrested on 13.12.2019 by Police Station-Thatipur, District, Gwalior (M.P.), in connection with Crime No.685/2019 registered in relation to the offence punishable u/S. 420 IPC.

Learned counsel for State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Offence of cheating is alleged against the petitioner who is in custody since 13.12.2019 and the charge-sheet has since long been filed. Petitioner has criminal antecedents of two offences which are minor in nature and therefore can be ignored.

In view of above facts and looking to the ongoing Covid-19 pandemic crisis and that early conclusion of the trial is a bleak possibility and prolonged pre-trial detention being an anathema to the concept of liberty and the material placed on record does not disclose possibility of

petitioner fleeing from justice, this Court is inclined to extend the benefit of bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the petitioner be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of the like amount** to the satisfaction of the concerned Magistrate.

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

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the trial ;
3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trials;
6. The petitioner 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 time to time by the Supreme Court, the Central Govt. and as well as the State Govt during release, travel and residence of the petitioner during period of bail as a consequence of this order.

A copy of this order be sent to the Court concerned for compliance.

C.c as per rules.

(Sheel Nagu)
Judge

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