

HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.11118/2020

(**RINKU SHARMA** *Versus* **THE STATE OF MADHYA PRADESH**)

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

Jabalpur, Dated:31.07.2020

Shri Ashish Tiwari, learned counsel for the applicant.

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

Heard.

Case diary perused.

This is the first bail application filed by the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No. 31/2012 registered at Police Station Sidhi, District Shahdol for the offences punishable under Sections 341, 365, 397, 212, 216-A, 120-B of IPC and Section 25/27 of Arms Act. His bail before the Trial Court has been dismissed on the ground that he did not appear on the date given by the Trial Court for evidence.

Learned counsel for the applicant submits that the applicant was not well and was admitted in the hospital on the date when the matter was listed before the Trial Court, hence could not appear. However, the Trial Court taking the technical view has dismissed the application. The applicant is ready to co-operate in the investigation and trial. He may be released on anticipatory bail.

Learned Panel Lawyer for the respondent/State fairly submits that it is only a single day when the applicant did not appear before the Trial Court. He does not dispute the documents, i.e. medical certificate/records filed by the applicant along with his present application.

It is apparent from the discharge certificate annexed to the application that the applicant was admitted in the Civil Hospital Ambah, District Morena on 25.01.2020 and was discharged on 28.01.2020, it was the same day when the matter was listed before the Trial Court. Considering that prior to this date the applicant has been regularly appearing before the Trial Court, this application is allowed subject to the condition that if the applicant does not appear on a single day before the Trial Court when the matter is listed, the bail shall stand automatically cancelled.

It is directed that in the event of arrest, applicant **Rinku Sharma** shall be released on bail on his furnishing a personal bond in a sum of **Rs. 50,000/- (Rs. Fifty Thousand only)** with one surety in the like amount to the satisfaction of arresting officer.

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 make himself available as and when called for interrogation and cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant will not seek unnecessary adjournments during trial;

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

6. If the applicant commits any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Gaurav Tiwari, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

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

(Nandita Dubey)
Judge

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