

The High Court Of Madhya Pradesh**MCRC-38041-2020***(SANJU @ MURARILAL BARMAN Vs THE STATE OF M.P.)***Jabalpur, Dated : 27-11-2020****Heard through Video Conferencing.**

Shri Om Prakash Tripathi, Advocate for the petitioner.

Shri Dharmendra Kaurav, P.L. for the respondent/State.

This is first bail application filed on behalf of the petitioner under Section 439 of the Code of Criminal Procedure. The petitioner is in custody since 11.06.2020 in connection with Crime No. 266/2020 registered at Police Station- Nagod District- Satna (M.P.) for the offence punishable under Section 294, 307, 326 of IPC.

Prosecution case in short is that on 11.06.2020, the accused/petitioner was suffering from ailment, complainant Poonam is sister of the petitioner-accused, she came into the house of the petitioner-accused for taking care about his treatment. Due to some dispute of partition, petitioner-accused inflicted injuries by knife to the complainant on her back side.

Learned counsel for the petitioner submits that petitioner-accused has falsely been implicated in this case, No grievous injury is found on the body of the complainant which is dangerous to her life. Petitioner-accused is brother of complainant. Some dispute arose due to partition of property. Petitioner-accused has no previous criminal antecedent. He is the bread earner of his family. Accused/petitioner is in jail since 11.06.2020. Charge-sheet has been filed. It is the time of COVID-19 Pandemic due to which further proceeding of trial is withheld, so trial will take time of final disposal. There is no probability of his absconding and tampering with the prosecution evidence. On these grounds, he prays for grant of bail to the petitioner.

Panel Lawyer for State opposes the bail application.

Considering the contention of both the parties, nature of injuries and the fact that petitioner is in jail since 11.06.2020, it is the time of COVID-19 Pandemic further proceeding of trial is withheld, so trial will take time of final disposal, there is no probability of absconding of the petitioner and tampering with the evidence, so it is not appropriate to keep the petitioner-accused in jail whole the trial, therefore without commenting on merits of the case, application of the petitioner under Section 439 of the Cr.P.C. seems to be acceptable. Consequently, it is hereby allowed.

It is directed that **petitioner- Sanju @ Murarilal Barman** be released on bail on his furnishing a bail bond in the **sum of Rs. 1,00,000/- (Rupees One Lac Only) with two solvent sureties of Rs. 50,000/- each** to the satisfaction of the Trial Court for his appearance before it on the dates given by the concerned Court. It is further directed that the petitioner shall comply with the provisions of Section 437(3) of Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19) the petitioner shall also comply the rules and norms of social distancing. Further, in view of the order passed by the Hon'ble Supreme Court in suo moto W.P.No.1/2020, it would be appropriate to issue the following direction to the jail authority:-

1. The Jail Authority shall ensure the medical examination of the petitioner by the jail doctor before his release.

2 . The petitioner shall not be released if he is suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.

3 . If it is found that the petitioner is suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by

placing his in appropriate quarantine facility.

Certified copy as per rules.

(RAJENDRA KUMAR SRIVASTAVA)
JUDGE

MISHRA

