

**HIGH COURT OF MADHYA PRADESH  
MCRC-24910-2021**

*(AJAB PARDI Vs THE STATE OF MADHYA PRADESH)*

**Gwalior, Dated : 31.05.2021**

**Heard through video conferencing.**

Shri Rajesh Pathak, learned counsel for applicant.

Shri P.P.S. Bajeeta, learned P.P., for respondent/State.

Heard learned counsel for the parties.

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 City Kotwali, District Guna in connection with Crime No.373/2021 registered in relation to the offence punishable under Sections 34(2) of Excise Act.

It is submitted by the counsel for the applicant that he has been falsely implicated in the case. She has not committed the offence in any manner. It is alleged by the counsel for the applicant that as per prosecution case, 80 bulk litres of illicit country made liquor has been seized from the possession of the present applicant. She is in custody since 22.04.2021. Counsel for the applicant prays for grant of bail to the applicant. He has relied upon the orders passed by the Hon'ble Supreme Court in the case of **IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS in SUO MOTU W.P. (C) No.1/2020** as well as order passed by the Division Bench of the Principal seat on 17.05.2021 **IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS in SUO MOTU W.P. (C) No.9320/2021** regarding decongestion of

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prisoners. She is ready to abide by all the terms and conditions as may be imposed by this Court and prays for grant of bail. There is no possibility of her absconding or tampering with the prosecution case.

*Per contra*, learned P.P. for the State opposed the application stating that investigation is pending in the matter. He further submits that as per case diary, she is having criminal history of two cases out of which one is registered under Excise Act.

Taking into consideration and over all facts and circumstances of the case coupled with the fact that applicant is a lady and placing reliance upon the orders passed by the Hon'ble Supreme Court as well as Division Bench of this Court regarding decongestion of the aforesaid cases and considering the present scenario of second phase of COVID-19, this Court deems it appropriate to allow this application. The applicant is directed to 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 like amount to the satisfaction of the Investigation Officer /trial Court, as the case may be with submission of written undertaking and she shall abide by all terms and conditions of the different circulars, orders as well as guidelines issued by the Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel Corona Virus (COVID -19) pandemic and she will have to install **Arogya Setu App**,

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if not already installed.

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 her;
2. The applicant will 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 her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not involve any other offence, in case the applicant indulges herself in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled.
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.
7. ***Looking to the criminal history of the present appellant, the applicant is directed to mark her attendance before the concerned police station in the first week of every month till conclusion of investigation.***
8. The applicant will inform the concerned S.H.O. of concerned

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Police Station about her residential address in the said area and it would be the duty of the Public Prosecutor to send **E-copy** of this order to SHO of concerned police station as well as Superintendent of Police, concerned who shall inform the concerned SHO regarding the same.

In view of the COVID-19, jail authorities are directed that before releasing the applicant, medical examination of applicant shall be undertaken by the jail doctor and on prima facie, if it is found that she is having the symptoms of COVID-19, then consequential follow up action including the isolation/quarantine or any test if required, be ensured, otherwise applicants shall be released immediately on bail and shall be given a pass or permit for movement to reach her place of residence.

E- copy of this order be sent to the trial Court concerned for compliance.

**(Vishal Mishra)**  
**V. Judge**

LJ\*/-



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