

The High Court Of Madhya Pradesh

MCRC-7719-2021

(AKASH SONI Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 27-02-2021

Shri N. K. Jain, learned counsel for the applicant.

Shri Aman Pandey, learned P. L. for the respondent/State.

Heard.

Case diary perused.

This is first bail application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant. The applicant has been arrested in connection with Crime No.43/2021, registered at Police Station Wara Seoni District Balaghat for the offences punishable under Section 188 of the Indian Penal Code and Sections 14 of Madhya Pradesh State Security Act, 1990.

The case of the prosecution is that, an order of externment of applicant was passed on 6.8.2020, whereby the applicant has been prevented to enter in District Seoni, Mandla and Dindori for a period of one year. The allegation against the applicant is that on 15.1.2021 the applicant was found in Wara Seoni and as such he violated the order of externment. On that basis aforesaid offence has been registered against the applicant and he was taken into custody on 15.1.2021.

Learned counsel for the applicant has submitted that the applicant is innocent person. He has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that he was arrested on 14.1.2021 at Nagpur and falsely shown to be arrested at Wara Seoni on 15.1.2021. The trial will take a long time to conclude. It is further submitted that there is no likelihood of his absconding or tampering with the prosecution witnesses. The applicant is in judicial custody since 15.1.2021. On these ground he prayed for grant of bail.

Learned Panel Lawyer for State has opposed the application for grant of bail to the applicant.

Keeping in view the facts and circumstances of the case, allegation

made against the applicant and also looking to the period of detention of the applicant, in the opinion of this Court, the applicant deserves to be released on bail. Consequently, this first application for bail under section 439 of the Code of Criminal Procedure filed on behalf is allowed.

It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before that Court on all dates fixed in the case and for complying with the conditions enumerated under Section 437 (3) of the Code of Criminal Procedure.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government of India with regard to COVID-19 before releasing the applicant.

This M.Cr.C. stands allowed and disposed of.

C.C. as per rules.

(MOHD. FAHIM ANWAR)
JUDGE

kkc

