

The High Court Of Madhya Pradesh

MCRC-11330-2021

(DASHRATH PATEL Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 27-02-2021

Shri Ashish Kurmi learned counsel for the applicant.

Shri Shivam Hazari, learned Panel Lawyer for the respondent/State.

Heard.

This third bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of bail in connection with Crime No.837/2019 registered at Police Station Chhola Mandir, District Bhopal for the offence punishable under Sections 302, 307, 323, 342, 294, 506, 325 r/w Section 34 of the Indian Penal Code. The earlier bail applications of applicant have been withdrawn. The applicant is in custody since 18.06.2020.

Learned counsel for the applicant submits that the statements of eye witnesses have been recorded who are the injured and mother of the deceased and have been declared hostile whereas as per the prosecution story, they were the eye witnesses. He submits that considering the statements of the eye witnesses who have been declared hostile and did not support the case of the prosecution, the present applicant may be released on bail.

Shri Hazari, on the other hand, has opposed the bail application and submits that there are other witnesses also whose statements are yet to be recorded and in such a condition, the bail application of the applicant should be rejected.

Considering the arguments advanced by learned counsel for the parties and the statements of the witnesses recorded during the course of trial, without commenting anything on the merits of the case, this bail application is **allowed.**

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

The jail authority is also directed to ensure that before his release, the applicant is examined by the jail doctor to ascertain that he is not afflicted with the COVID-19 virus. If the doctor suspects otherwise, the applicant shall be referred to the appropriate hospital for further management as per the protocol laid down by the State. In the event the jail doctor is of the opinion that the applicant can be released, then he shall be released.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE

rao

