

**Dharmendra Pratap Singh @ Kunwar Singh Vs. State of M.P.**

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**Court :** Madhya Pradesh

**Decided On :** Dec-11-2007

**Reported in :** 2008(2)MPHT477

**Judge :** A.K. Saxena, J.

**Appellant :** Dharmendra Pratap Singh @ Kunwar Singh

**Respondent :** State of M.P.

**Judgement :**

ORDER

**A.K. Saxena, J.**

1. Heard.

This application has been filed for modification of order and issuance of direction to the concerned authority so that the applicant may be enlarged on bail as per orders passed by this Court on 30-11-2007 in M. Cr.C. No. 10334/07. 2. I perused the letter (Annexure A-2) written by Superintendent, Central Jail, Rewa to Chief Judicial Magistrate, Rewa and also the order sheets dated 5-12-2007 and 6-12-2007 of Judicial Magistrate First Class, Rewa.

3. It appears from both the documents that both the authorities do not know the law. The person can be enlarged on bail in connection with a particular crime or a

particular case registered at Police Station or in the Court. The bail order is not granted in respect of the Sections. Therefore, it was duty of the concerned Judicial Magistrate First Class to issue directions to Superintendent, Central Jail, Rewa to enlarge the applicant even though the Section 376 of IPC was not disclosed in the order of the High Court. It appears that Superintendent, Central Jail, Rewa also does not know that he has to obey the orders of the Court. When the High Court granted the bail to the applicant and on the basis of that order, after adding Section 376 of IPC, the Judicial Magistrate First Class sent the release order, the applicant should have been released from the jail. This shows that both the authorities committed an error. They should know that their act amounts to Contempt of Court.

3. The various Sections may or may not be disclosed in the order of bail. It is not a condition precedent of bail, order to mention the Sections under which the crime is registered. The concerned authorities should know that the applicant was granted bail by this Court in connection with Crime No. 27/07 registered at Police Station, Sirmour, District Rewa. It was duty of the concerned Magistrate to write the crime number alongwith the case number, if any, in the release order, so that the concerned jail authority may come to know that the applicant has to be released in connection with a case which is registered at a concerned police station.

4. Now there is no need to modify the order passed by this Court on 30-11-2007 in M.Cr.C. No. 10334/07 and instead it is directed that the concerned Magistrate or Chief Judicial Magistrate, Rewa shall send release order to Central Jail, Rewa so that the applicant can be released on bail in connection with Crime No. 27/07 registered by Police Station Sirmour, District Rewa and it is also made clear that the concerned jail authority has no right to raise an objection that a particular Section has not been written by the High Court in its order. It is further made clear that the concerned Magistrate should know the law and instead of referring this matter to this Court which is apparent from order dated 6-12-2007, he could have directed the concerned jail authority to release the applicant on bail irrespective of this fact whether a particular Section has been mentioned in the order or not.

5. The application is partly allowed and it is directed that the applicant Dharmendra Pratap Singh @ Kunwar Singh shall be enlarged on bail in connection with crime which has been mentioned earlier in this order on the basis of orders passed by this Court on 30-11-2007 in M.Cr.C. No. 10334/07 without raising unnecessary objections.

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