

ITEM NO.23                      Court 6 (Video Conferencing)                      SECTION II-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s).6223/2020

(Arising out of impugned final judgment and order dated 13-10-2020  
in MCRC No. 38859/2020 passed by the High Court of M.P. at Gwalior)

AJAY @ ATVEER

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(WITH I.R. and IA No.126122/2020-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT and IA No.126123/2020-EXEMPTION FROM FILING O.T.  
and IA No.126126/2020-EXEMPTION FROM FILING AFFIDAVIT )

Date : 14-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)      Mr. Saurabh Mishra, AOR  
                                 Ms. Neha Tripathi, Advocate  
                                 Mr. Onkar Singh, Advocate  
                                 Mr. Arun Verma, Advocate

For Respondent(s)

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1      The petitioner is implicated in FIR No 166 dated 15 August 2020 registered at Police Station Daboh, District Bhind for alleged offences under Sections 379 and 414 of the Indian Penal Code 1860 and the Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules 2019. The petitioner is allegedly the driver of the tractor trolley. It has been alleged that the petitioner was illegally evacuating sand in the tractor trolley. He has been in custody since 15 August 2020.

2 Mr Saurabh Mishra, learned counsel appearing on behalf of the petitioner, states that the owner of the tractor trolley has been granted regular bail on 23 October 2020.

3 In these circumstances, while we are inclined to issue notice, we are of the view that the petitioner should be enlarged on bail, in the meantime, as and by way of an *ad-interim* order.

4 We accordingly issue the following directions:

- (i) Issue notice, returnable in six weeks;
- (ii) Liberty to serve the Standing Counsel for the State of Madhya Pradesh, in addition;
- (iii) By an *ad-interim* order, the petitioner is directed to be released on bail in connection with FIR No 166 of 2020 registered at Police Station Daboh, District Bhind, subject to such terms and conditions as may be imposed by the Additional Sessions Judge, Lahar.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**