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**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC-3929-2022**  
**Yogesh Chhari Vs. State of MP**

**Through video conferencing**

**Gwalior, Dated : 24.01.2022**

Shri Prasoon Kumar Maheshwari, Counsel for the applicant.

Ms. Kalpana Parmar, Counsel for the State.

Case Diary is available.

This first application under Section 439 of Cr.P.C. has been filed for grant of bail.

The applicant has been arrested on 21.12.2021 in connection with Crime No.298/2021 registered at Police Station GRP BG Distt. Gwalior for offence under Section 392 of IPC and Section 11/13 of MPDVPK Act and later added Sections 201, 34 of IPC.

It is submitted by the counsel for the applicant that according to the prosecution case, bag of the complainant who had deboarded from the rail was snatched away. Although an amount of Rs.6,000/- is alleged to have seized from the possession of the applicant, but the police did not conduct Test Identification Parade. Charge-sheet has been filed. The amount so seized from the applicant cannot be said to be an incriminating evidence in absence of any specific mark. The applicant undertakes to abide by any stringent condition which may be imposed by the Court. The Trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with the prosecution case.

Per contra, the application is vehemently opposed by the counsel for the State. It is submitted that the applicant has a criminal

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history of one more offence under Section 336, 427, 506, 34 of IPC. However, it is fairly conceded that although the charge-sheet has been filed, but no Test Identification Parade was conducted.

Considering the facts and circumstances of the case, without commenting on the merits of the case, the application is **allowed**. It is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

This order shall remain effective till the end of trial but in case of bail jump, it shall become ineffective.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat and others Vs. State of M.P.** Passed on **18.03.2021** in **Criminal Appeal No. 329/2021**, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rules.

**(G.S. Ahluwalia)**  
**Judge**

Abhi