

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 29th OF SEPTEMBER, 2023

MISC. CRIMINAL CASE No. 42083 of 2023

BETWEEN:-

SUNIL S/O SHANKAR, AGED ABOUT 35 YEARS,
OCCUPATION: LABOR R/O VILALGE
1. BHILATPURA P.S. MANAWAR DISTT. DHAR
(MADHYA PRADESH)

VINOD S/O MANGILAL, AGED ABOUT 25 YEARS,
2. OCCUPATION: LABOUR KHUMANPURA DEVL,
P.S. MANAVAR, DIST. DHAR (MADHYA PRADESH)

.....APPLICANT

(*BY SHRI MANISH YADAV- ADVOCATE*)

AND

THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
MANAWAR DIST. DHAR (MADHYA PRADESH)

.....RESPONDENTS

(*BY SHRI SURENDRA GUPTA GA*)

This application coming on for admission this day, the court passed the following:

ORDER

This is the first application filed by the applicants **Sunil and Vinod** for grant of regular bail under section 439 of the Code of Criminal Procedure, 1973 relating to FIR No.890/2023 registered at P.S- Manawar, District- Dhar (M.P.) for the offence under section 392, 120-B of IPC.

2/ As per prosecution story, on 02/08/2023, complainant Prakash lodged FIR at police station – Manawar by stating that he is a Manager of SBI Bank, Manawar. At about 9.00 pm, he was returned back from the bank on motorcycle and his bank operator was sitting backside of the vehicle along with a bag containing Rs. 4 lacs cash and mobilephone. Behind Shani Mandir, two miscreants came there on motorcycle and snatched the bag containing Rs. 4 lacs and mobilephone. Accordingly, the aforementioned offence was registered. During investigation, Rs. 1,25,000/- has been recovered from the possession of the present applicants.

3/ Learned counsel for the applicants contended that applicants are innocent and have been falsely implicated in this offence. Applicants are in custody since 21/08/2023 and 24/08/2023 respectively. Investigation is almost over. Alleged FIR has been lodged against unknown persons. No test identification parade has been conducted regarding identification of present applicants. They have not having any criminal antecedents. They are permanent resident of District- Dhar. Final conclusion of trial shall take sufficient long time. Hence, he prays that the applicants be released on bail.

4/ *Per-contra*, learned counsel for respondent – State opposes the bail application and prays for its rejection, but fairly admits that no criminal antecedents have been found against both the applicants.

5/ Perused the impugned order of the trial Court as well as the case dairy.

6/ Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that cash amount recovered from the possession of the applicants cannot be identified; no test identification parade has

been conducted in respect of the applicants; they are not having any criminal antecedents and final conclusion of trial shall take sufficient long time, in view of the evidence available on record, I deem it proper to release the accused / applicants on bail.

7/ Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail on their furnishing personal bond in the sum of **Rs. 75,000/- (Rs. Seventy Thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required.

8/ They shall abide by all the conditions enumerated u/S. 437(3) Cr.P.C.,

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

amol