

**M.Cr.C.No.26853/2017****28/12/2017**

Shri Navneet Kishore Verma, learned counsel for the applicants.

Shri Aditya Garg, learned counsel for the Respondent/State.

Heard on the question of grant of bail.

This is the first application made by the applicants (accused) under Section 439 Cr.P.C. for grant of bail during trial.

The applicants are in custody since 14/6/2017 for the offence punishable under Section 394 of the IPC registered with Police Station Makdon, District Ujjain in Crime No.624/2016.

As per prosecution story, one Manglesh Khelwar had made an oral report to the police on 2/12/2016 alleging that when he was passing through a road between Chandaniya Khedi and Ujjain a boy thrown a stick on him and he fell down, then two boys beaten him with sticks and looted 1.50,000/-, I.D Card and Diary etc.

Shri Verma, learned counsel for applicants submits that the applicants are innocent and out of three accused, one of the accused in another Crime No.235/2017 U/S.394 of the IPC in which this court vide order dated 14/11/2017 in M.Cr.C. no.21893/2017 has already granted the bail. The police has conducted the identification and the same has been failed.

Shri Garg, learned counsel for State opposes the bail application.

Case diary perused.

On perusal of the case diary and looking to the fact that the applicants have been made accused on the basis of oral complaint made by Manglesh Khelwar, but the identification has been failed as also considering the fact that the the applicants are youth aged about 19-21 years and in case of further custody, their future may be spoiled, I find prima facie force in the submissions made by the counsel for applicants. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicants are directed to be released on bail upon each of them furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand) with one separate surety in the like amount to the satisfaction of the Trial Court for their appearance as and when directed.

The applicants will attend each hearing of the trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in automatic cancellation of the bail granted by this Court.

Certified copy as per rules.

**(VIVEK RUSIA)**  
**Vacation Judge**

Varghese Mathew

Digitally signed by Varghese Mathew  
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