

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.28195/2020**

*(Sunny S/o Babu Bhil Vs. State of M.P.)*

**Indore, Dated: 31/08/2020**

Shri Anopam Chouhan, learned counsel for the applicant.

Shri Saransh Jain, learned counsel for the respondent/State.

Heard through video conferencing on the question of grant of bail.

This is an application made by the applicant-accused under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Section 392 of the IPC registered with Police Station Kalidevi, District Jhabua, in Crime no.98/2019.

Learned counsel for the applicant submits that as per the allegation the robbery was committed by the applicant along with co-accused person Akram and Tarsingh. He further submits that Tarsingh has been granted bail by this Court by order dated 02/07/2020 passed in M.Cr.C. No.20720/2020 and the case of the applicant stands on the same footing, therefore, applicant is also entitled for grant of bail on the ground of parity. He further submits that from the applicant also Rs.5000/- have been recovered but there is nothing to show that they were looted currency. He further submits that in the TI parade also, applicant has not been identified and the implication of the applicant is only on the basis of memorandum of co-accused recorded under Section 27 of the Evidence Act. He further submits that the applicant is in custody since 13/04/2020 and that the investigation is complete and

challan has already been filed and the conclusion of trial is likely to take time.

Learned counsel for the State has opposed the application for grant of bail but he has not disputed that the case of the applicant stands on the same footing as that of co-accused Tarsingh who has been granted bail.

On perusal of the case diary, considering the circumstances of the case and taking note of the issue of parity, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

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

Certified copy as per rules.

**(Prakash Shrivastava)**  
**Judge**

krjoshi

Digitally signed by KHEMRAJ JOSHI  
Date: 2020.08.31 16:20:12 +05'30'