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

**BEFORE  
HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 31<sup>st</sup> OF AUGUST, 2023**

**MISC. CRIMINAL CASE No. 37552 of 2023**

**BETWEEN:-**

**PUSHPENDRA S/O KHUMANSINGH, AGED ABOUT 19  
YEARS, OCCUPATION: LABOUR R/O BANWARI NAGAR,  
PALDA, INDORE (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI HARISH PAWAR - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION LASUDIYA,  
INDORE (MADHYA PRADESH)**

**.....NON APPLICANT**

**(BY SHRI AMIT RAWAL - GOVERNMENT ADVOCATE)**

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

**ORDER**

1. This is the first application filed by the applicant under Section 439 of Cr.P.C. for grant of regular bail relating to Crime No.842/2023 registered at Police Station Lasudiya, Indore (M.P.) for the offence under Section 392 of IPC.

2. As per the prosecution story, complainant Somil lodged a report at P.S. Lasudia, Dist. Indore by stating that he is doing internship in Lexmoven Law Firm. On 07.06.2023, at about 10:05 PM, when he was returning to his home, near Bombay Hospital and opposite to Bombay Chemist Service Road he took out his mobile phone from his pocket, at that time three unknown

persons came there from motorcycle and one pillion rider snatched his phone named AJ 20 Motorola Company. The pillion rider was wearing dark color shirt. Incident was also seen by nearby people. Accordingly, a case has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is innocent person and he has been falsely implicated in this matter. Applicant is in jail since 25.6.2023. FIR is about 15 days belated. There is no direct evidence available on record to connect the applicant with the aforementioned offence. No incriminating article has been recovered from the possession of present applicant. No Test Identification was conducted by the Investigating Officer. Applicant is a permanent resident of District Indore. Final conclusion of trial will take considerable long time. Co-accused Pappu has been enlarged on bail vide order dated 7.8.2023 passed in MCRC No.34579/2023. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

4. Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection. However, he fairly admits that no criminal antecedent has been found against the present applicant.

5. Perused the case diary as well as the impugned order of the court below.

6. Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that FIR is about 15 days belated; no TIP was conducted by the Investing Officer during the investigation; no looted article has been recovered from the possession of present applicant; he is not having any

criminal past; offence is exclusively triable by JMFC, co-accused Pappu has been enlarged on bail by this Court in the similar circumstances and final conclusion of trial will take considerable long time, in view of the above, on the ground of parity I deem it proper to release the applicant on bail.

7. Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.75,000/- with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

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**(ANIL VERMA)**  
**JUDGE**

