

IN THE HIGH COURT OF MADHYA PRADESH**AT GWALIOR****BEFORE****HON'BLE SHRI JUSTICE ATUL SREEDHARAN****ON THE 24th OF JANUARY, 2023****MISC. CRIMINAL CASE No. 56672 of 2022****Between:-**

1. **MUJMMIL SHEKH S/O BABU SHEKH, AGED ABOUT 22 YEARS, OCCUPATION: LABOUR R/O BABANA J J COLONY THANA BHORGAD DELHI (DELHI)**
2. **ANWAR S/O MOHAMMAD IJRAIL, AGED ABOUT 19 YEARS, OCCUPATION: LABOUR R/O BABANA J.J. COLONY THANA BHORGAD (DELHI)**

.....APPLICANTS**(NONE FOR THE APPLICANTS)****AND****STATE OF MADHYA PRADESH, THROUGH
POLICE STATION GRP B.G. DISTRICT GWALIOR
(MADHYA PRADESH)****.....RESPONDENT****(BY SHRI NAVAL GUPTA – PUBLIC PROSECUTOR)**

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

ORDER

This is the first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to applicants namely Mujmmil Shekh and Anwar in connection with Crime No.27/2022 for the offences punishable under Sections 356, 379, 392 of IPC and Sections 11/13 of MPDVPK Act.

The applicants are in judicial custody since 18-02-2022 in the

aforementioned case. Allegation against them is that they along with co-accused persons robbed the passengers of his belongings on a running train.

Learned counsel for the State while opposing the application for grant of bail has submitted that applicants have been arrested on the basis of memo of co-accused and their own memo under Section 27 of Evidence Act. Learned counsel for the State further submits that besides the present case, there are two more cases pending against applicant No.1 and one another case pending against applicant No.2. He further submits that Rs.3,000/- has been seized from applicant No.1 and from applicant No.2 Rs.1,000/- has been seized. Test Identification Parade was never conducted and same was refused by the complainant as per the documents present in the case diary.

Under these circumstances, in view of what has been stated hereinabove and the opposition of learned counsel for the State having been taken into account, application is allowed. It is directed that the applicants herein shall be enlarged on bail upon their furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each** with one solvent surety **each** in the like amount to the satisfaction of the learned trial court.

Certified copy as per rules.

(ATUL SREEDHARAN)
JUDGE