IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4394 of 2024

BETWEEN:-

HAAN IRANI @ HASAN ALI S/O MOHSIN ALI, AGED ABOUT 20 YEARS, OCCUPATION: BUSINESS R/O SANJAY NAGAR COLONY NEAR RAILWAY STATION HAMIDIYA ROAD BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SHAFIQUALLAH MOHD. - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MADAN MAHAL DISTRICT JABALPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. SHANTI TIWARI - PANEL LAWYER)

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

ORDER

This is first application under Section 439 of the Cr.P.C. has been filed on behalf of the applicant for grant of bail in connection with FIR/Crime No.275/2023 dated 06.09.2023 registered at Police Station Madan Mahal, District Jabalpur (M.P.) for the offence punishable under Section 356, 379, 392, 109, 120B, 34 of IPC.

2. Learned counsel for the applicant contends that another offence vide Crime No.556/2023 was also registered against the applicant under Section 392 of IPC in which the applicant has been enlarged on bail by this Court vide order

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dated 12/01/2024 in M.Cr.C.No.1454/2024. It is contended by the counsel that the same case vide another Crime No.275/2023 has been registered in which the applicant's bail has been rejected by the 9th Additional Sessions Judge. It is contended by the counsel that as per the allegations levelled by the prosecution, two persons came on a Motorcycle and snatched the gold chain from the complainant and thereby report was lodged. On the basis of memorandum of co-accused, the present applicant has been implicated. It is further contended by the counsel that two accused persons namely Sameer Irani and Ali Hasan were on the bike and undisputedly as per the allegations levelled by the complainant herself, there was no third person at the time of alleged offence. It is contended by the counsel the applicant is aged about 20 years and suffering incarceration since 09/11/2023 and his past antecedents are unblemished. There is no probability of his absconding or tampering with the evidence of the prosecution. Thus, counsel submits that the applicant deserves to be enlarged on bail.

4. Per contra, learned counsel for the respondent as well as objector have opposed the prayer while submitting that taking into considering the serious allegations against the applicant, he is not entitled to be enlarged on bail.

5. Heard the submissions and perused the case diary.

6. A perusal of the case diary it is evident that the applicant has been implicated on the basis of memorandum of co-accused. As per the allegations in the FIR, the chain was snatched by two accused namely Sameer Irani and Ali Hasan and thereafter on the basis of memorandum of one of the co-accused, the present applicant has been implicated. The applicant is in custody since 09.11.2023.

7. Considering the overall facts and circumstances of the case, period of

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incarceration of the applicant and the fact that the present applicant has been enlarged on bail in connection with the other two cases pertaining to the same incident and trial would take considerable time to conclude, this Court is of the considered view that it is a fit case to release the applicant on bail. Therefore, without expressing any view on the merits of the case, the application is **allowed.**

8. It is directed that the **applicant-Hasan Irani @ Hasan Ali** shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

9. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

10. Accordingly, this M.Cr.C. stands **disposed of**.

(MANINDER S. BHATTI)
JUDGE

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