# IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

**BEFORE**

**HON'BLE SHRI JUSTICE MANINDER S. BHATTI**

**ON THE 8th OF JANUARY, 2024**

**MISC. CRIMINAL CASE No. 57890 of 2023**

**BETWEEN:-**

**CHHOTU @ VISHNU YADAV S/O SHRI DINESH YADAV, AGED ABOUT 22 YEARS, OCCUPATION: LABOUR WARD NO. 6 SHIVNAGAR MANIKPUR DISTRICT CHITRAKUT (UTTAR PRADESH)**

**.....APPLICANT**

***(BY SHRI TEEKA RAM PATEL - ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE STATION RAILWAY POLICE NAINPUR DISTRICT MANDLA (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SMT. SHANTI TIWARI - PANEL LAWYER)***

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

**ORDER**

The counsel for the applicant submits that on account of inadvertent error in the cause title in the description of respondent, The State of M.P. Through Police Station, Railway Police, Nainpur, District Mandla has been mentioned whereas the same should had been The State of M.P. Through Police Station, G.R.P, Nainpur, District Mandla. Therefore, counsel contends that he be permitted to carry out the said correction in the description of respondent in the cause title.

**2**. The counsel for the applicant is permitted to carry out the necessary

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correction in the description of respondent in the cause title during the course of the day, for which no formal application is required.

3. This is first application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR/Crime No.24/2023 dated 25.10.2023 registered at Police Station GRP (Railway Police), Nainpur, District Mandla for the offences punishable under Sections 392, 411 of IPC.

4 . Learned counsel for the applicant contends that the complainant lodged a complaint while levelling allegations that when he was travelling by train, between Shikara and Deori, the purse of his wife was snatched, which contained a mobile, jewellery worth Rs.12000/- and the other articles like mangalsutra, ear tops and chain etc. Later on, according to prosecution, the said mobile was further sold to one Ishwar Uike, who is in the memorandum disclosed the name of the applicant. It is contended by the counsel that so far as present applicant is concerned, there in no seizure from the applicant and the applicant has not been even identified. It is also contended by the counsel that the co-accused Rinku Nishad has already been enlarged on bail. Therefore, counsel submits that as the applicant is suffering incarceration since 25.10.2023, he be enlarged on bail.

5 . Per contra, learned counsel for the State opposed the prayer and submits that the case diary palpably reflects that after snatching the purse of the wife of the complainant, the mobile was sold to Ishwar Uike and accordingly, taking into consideration, the role played by the applicant, the applicant is not entitled for grant of bail.

6. Heard the submissions and perused the case diary.

7. The record reflects that the aforesaid allegations have been levelled against the applicant so far as applicant is concerned, there is no seizure from

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him. The applicant is in custody since 25.10.2023. It is also undisputed that the co-accused Rinku Nishad has already been enlarged on bail, therefore, taking into consideration the overall facts and circumstances, this Court deems it proper to direct release of the applicant on bail.

8. Therefore, without expressing any view on the merits of the case, the application is allowed.

**9 .** It is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one 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.

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

C.c. as per rules.

**(MANINDER S. BHATTI)**
**JUDGE**

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