

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL MISC. PETITION NO. 660/2007

BHOJOHARI MAHATO VS. THE STATE OF RAJASTHAN

DATE: 08.06.2007

HON'BLE MR. GUMAN SINGH, V.J.

Mr. Ambrish Vashishtha for the accused-petitioner.

Mr. S.N. Gupta, Public Prosecutor for the State.

The instant criminal misc. petition under Section 482 Cr.P.C. is preferred by the accused-petitioner against the order dated 29.03.2007 passed by the District & Sessions Judge, Jaipur City, Jaipur in Criminal Bail Application No. 769/2007, whereby the learned lower Court while granting bail to the accused-petitioner under Section 439 Cr.P.C. has put a condition of attestation of solvency and photo of the sureties.

Heard learned counsel for the accused-petitioner and learned Public Prosecutor for the State.

Learned counsel for the petitioner submits that the condition of attestation of the solvency of the surety is not required as per law. In support of his contentions he has submitted a photocopy of the order dated 16.11.2006 passed by the Division Bench of this Court in *D.B. Civil Misc. Application No. 230/2006* in *D.B. Civil Writ Petition No. 7456/2006- Smt. Pramila Vs. State of Rajasthan & Ors.*

I am convinced with the submissions of the learned counsel that solvency of the surety is not

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required to be attested. Therefore, the condition to this effect in the order passed by the learned lower Court is hereby quashed. The order of the learned lower Court stands modified accordingly.

The present misc. petition stands disposed of as indicated herein above.

(GUMAN SINGH), VJ

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