

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAI PUR BENCH JAI PUR

ORDER

S. B. Criminal Misc. Bail Application No. 6695/2009
Rajeev Rajput vs. State of Rajasthan

Dated : 31. 08. 2009

HON'BLE MR. MAHESH BHAGWATI, J.

Mr. Ranveer Singh, for the petitioner.
Mr. Amit Punia, Public Prosecutor for the State.

This order governs the disposal of bail application filed under Section 438 of Cr. P. C. by Mr. Ranveer Singh Advocate on behalf of the applicant Rajeev Rajput pertaining to criminal case No. 151/2008 pending before Addl. Civil Judge (JD) & Judicial Magistrate First Class, No. 21, Jaipur City, Jaipur in the offences under Sections 420 of IPC.

2. Heard the learned counsel for the petitioner as also learned Public Prosecutor appearing for the State and perused the relevant material available on record.

3. Learned counsel for the petitioner has canvassed that he is being falsely implicated in this case and is in no way connected with the commission of the offences of the instant case, as such, he is entitled to crave indulgence of anticipatory bail.

4. Learned Public Prosecutor appearing for the State has opposed the bail petition.

5. Having considered the submissions made at the bar and carefully perused the relevant material available on record, it is noticed that the accusations as levelled against the petitioner do not seem to be false, groundless and baseless. It is not a fit case wherein, the

petitioner can be granted indulgence of anticipatory bail. The provisions of Section 438 of Cr. P. C. are sparingly used in rarest of rare circumstances.

6. In Pankaj vs. State of Raj., RLW 1996(1) Raj., 628 this court has categorically observed that the provisions of Section 438 are attracted only when it is found that the accusation or allegations levelled against the petitioner are found to be totally false, baseless and groundless. It is for the accused to set out that no prima facie case is made out against him. From the facts on record, it is not reflected that the accusation against the petitioner are totally false and baseless. Hence, in the instant case, the petitioner is not entitled to get the anticipatory bail.

7. In the result, the bail petition filed under Section 438 of Cr. P. C. on behalf of the petitioner stands dismissed.

(MAHESH BHAGWATI), J.

Mak/-
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