

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

O R D E R

S. B. CR. MISC. BAIL APPLICATION NO. 5601/2010.

Rajveer Singh & Anr.
Vs.
State of Rajasthan

Date of order : 23/6/2010.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ VJ

Shri Vinod Kumar Sharma for petitioners.

Shri Amit Poonia, Public Prosecutor for State.

Heard learned counsel for petitioners and the learned Public Prosecutor for the State and perused the relevant documents placed before me.

Contention of the learned counsel for petitioners is that apart from the present one, there is only one more case of similar nature for offence under Sections 457 & 380 IPC pending against the petitioners but the learned court below has erroneously observed that there are 15 cases pending against the petitioners and on that basis has rejected their bail application. There are only two cases including the present one pending against the petitioners. Petitioners are in jail since 25/4/2010 and challan has already been filed. Trial of the case will take a long time. Petitioners undertake not to repeat the similar offence in future and undertake to maintain a good conduct.

Learned Public Prosecutor has opposed the bail application but could not controvert the fact of judgment of only two cases against the petitioners.

Considering the submissions made at the bar, the nature of accusation, the materials on record and all other facts and circumstances of the case, I deem it just and proper to enlarge the petitioners on bail.

In the result, this bail application u/S. 439 Cr. P. C. is allowed and it is directed that petitioners Rajveer Singh S/o Shri Hari Singh and Lucky S/o Shri Vijay Singh shall be released on bail in FIR No. 179/2010 P. S. Bajaj Nagar, District Jaipur for offence u/S. 379 IPC on each of them furnishing a personal bond in the sum of Rs. 50,000/- together with two sureties in the sum of Rs. 25,000/- each to the satisfaction of the concerned Court for their appearance before that court on all dates of hearing until conclusion of the trial with the stipulation that they shall not repeat such offence in future and in case, they are again found committing similar offence, prosecution will be at liberty to apply for cancellation of their bail on this ground alone.

(MOHAMMAD RAFI Q), VJ.

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