

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

O R D E R

S. B. CR. MI SC. BAIL APPLICATION NO. 1849/2012.

Sonu
Vs.
State of Rajasthan

Date of order : March 30, 2012.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Ajay Singh for the petitioner.

Shri G. S. Fauzdar Public Prosecutor for State.

Contention of the learned counsel for the petitioner is that allegation against petitioner is that of committing offence u/S. 394 IPC. His bail application was dismissed by the court below on the ground of pendency of five other criminal cases against him, three were of allegation of theft registered with the same Police Station Aklera and in one criminal case, he has been acquitted. Last case is for offence u/Ss. 341 and 324 IPC. No recovery is to be effected at his instance. Recovery of money has been made at the instance of Durga Shankar and Dinesh, who have already been enlarged on bail vide orders of this Court dated 14/6/2011 and 13/4/2011, respectively.

Learned Public Prosecutor has opposed the bail application but could not dispute the facts aforesaid.

Without expressing any opinion on the merits of the case however considering the facts and circumstances of the case, I am inclined to enlarge the petitioner on bail u/S. 439 Cr. P. C.

In the result, this bail application under Section 439 Cr. P. C. is allowed and it is directed that petitioner – Sonu S/o Bharu Lal shall be released on bail in FIR No. 162/2010 registered at PS Asnawar, District Jhalawar for offence u/S. 394 IPC upon his 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 his appearance before the trial court on all dates of hearing until conclusion of the trial on the following conditions: –

- 1) that petitioner shall report to Police Station Asnawar, District Jhalawar on 1st and 15th day of every month.
- 2) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and
- 3) that in case it is found that any other criminal case is pending against petitioner and that misstatement has been made about his whereabouts or non-registration of any other criminal case or petitioner is found indulging in committing similar offence in future, the bail so granted to him by this court in this case and in other cases, would be liable to be cancelled at the instance of the prosecution even by the trial court and he would be liable to be re-arrested for facing trial.

(MOHAMMAD RAFIQ), J.

Anil /12

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed

Anil Kumar Goyal
Sr. P. A. Cum JW