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ORDER

S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5777/2016.

Om Prakash @ Oma Ram Vs. The State of Rajasthan

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Date of Order **30th June, 2016.**

HON'BLE MR. JUSTICE DEEPAK MAHESHWARI
(Vacation Judge)

Mr. Devesh Bohra]
Mr. Rajeev Sharma], for the petitioner.
Mr. Vikram Singh Rajpurohit, Public Prosecutor.

This anticipatory bail application has been filed by the petitioner apprehending his arrest in connection with F.I.R. No. 91/2016, Police Station Kherapa, District Jodhpur for the offences under Section 3/25 Arms Act.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor for the State and perused the material available on record.

The learned counsel for the petitioner submits that no recovery is remained due to be made from the accused-petitioner and the petitioner is ready and willing to cooperate in the investigation. Therefore, the learned counsel prayed that the petitioner may be granted anticipatory bail.

The learned Public Prosecutor for the State has vehemently opposed the prayer of the petitioner for granting him anticipatory bail but has fairly conceded that no recovery remains to be made in this matter from the accused.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application is allowed and it is directed that in the event of arrest of petitioner-Om Prakash @ Oma Ram S/o Govind Ram, in connection with F.I.R. No. 91/2016, Police Station Kherapa, District Jodhpur, the petitioner shall be released on bail; provided he furnishes a personal bond in the sum of Rs.40,000/- along with two surety bonds of Rs.20,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

- (i). that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii). 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 him from disclosing such facts to the court or any police officer; and
- (iii). that the petitioner shall not leave India without previous permission of the court.

(DEEPAK MAHESHWARI), VJ.