

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail No. 6833/2018

Asma D/o Fajar Gaji @ Firoj B/c Musalman, Aged About 34 Years, R/o Govindpur, Swroopnagar, Uttam 24, Pargana West Bengal. (Presently Confined In Central Jail, Ajmer)

-----Petitioner

Versus

State Of Rajasthan Through P.p.

-----Respondent

For Petitioner(s) : None present

For Respondent(s) : None present

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Judgment / Order

31/05/2018

1. In "Ex-Capt. Harish Uppal versus Union of India and Anr. 2003 (2) SCC 45, Apex Court has held that lawyers have no right to go on strike or to give a call for boycott of Courts. Calls given by Bar Association or Bar Council for such purpose cannot require the Court to adjourn the matters. In "Krishnakant Tamrakar Versus The State of Madhya Pradesh" decided by the Apex Court on 28.3.2018. The Apex Court has held that strike by advocates is in violation of law laid down by the Apex Court and the same tantamounts to contempt. The Apex Court has further held that the office bearers are liable to be removed from the office for passing resolution for strike. In view of the judgment of Apex Court in Ex.Captain Harish Uppal Vs. Union of India and "Krishnakant Tamrakar Versus The State of Madhya Pradesh", since the advocates are abstaining from work since 21.5.2018, this Court deems it proper to pass order on merits.

2. Petitioner has filed this bail application under Section 439 Cr.P.C.

3. F.I.R. No.82/2018, was registered at Police Station Gunj Distt. Ajmer for offence under Section 380 I.P.C.

4. I have perused the record.

5. From perusal of the record, it is revealed that the matter pertains to theft. Recovery has been effected. Petitioner is not required for further investigation, hence, I deem it proper to allow the bail application.

6. This bail application is, accordingly, allowed and it is directed that accused-petitioner shall be released on bail provided she furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand) together with two sureties in the sum of Rs.25,000/- (Rupees twenty five thousand) each to the satisfaction of the trial Court with the stipulation that she shall appear before that Court and any Court to which the matter be transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. However, it is made clear that if the petitioner repeats the offence, State would be free to move application for cancellation of bail before the concerned Court.

8. A copy of this order be sent to concerned S.H.O. for recording this condition in the Village Crime Record Book so that in the event of petitioner's repeating offence, S.H.O. can move the Court for cancellation of bail.

(PANKAJ BHANDARI),J