

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

S.B. Criminal Miscellaneous Bail No. 6786/2018

Dulla Vasunia S/o Narsingh Vasunia, B/c Bheel, Aged About 38 Years, R/o Navapada Kasba, Thana- Thadala, District- Jhabua (M.p.) (Accused At Present Confined In Baran Jail)

----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.42/2018, was registered at Police Station Mahila Thana, Baran for offence under Sections 376, 506 I.P.C.

4. I have perused the record.

5. From perusal of the record, it is revealed that prosecutrix is married to the petitioner as per the marriage declaration. Petitioner has also moved the family Court at Madhya Pradesh for restitution of conjugal rights, 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 he 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 he 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.

(PANKAJ BHANDARI),J