

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

S.B. Criminal Miscellaneous Bail Application No. 9042/2019

Akash@rahul S/o Ramavtar, R/o House No. 173, B.p. Oil Mill Ke Samne Wali Gali, Chhavni, Ramchandrapura, Police Station Gumanpura, Kota Raj. (At Present In Sub Jail Ramganjmandi Kota)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s) : Mr. Nitin Kumar Sharma

For Respondent(s) : Mr. S.S. Mahla, PP

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

31/07/2019

1. The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.05/2019 Registered at Police Station Devli Manjhi, District Kota Rural (Raj.) for the offence(s) under Sections 395 IPC.
2. Counsel for the petitioner submits that according to the statement of the complainant Harshit recorded under Section 164 Cr.P.C., he has stated that three persons have committed the offence and taken away his motor cycle and mobile phone. While during the test identification parade the complainant has identified five persons including the petitioner and thus it is clear that the petitioner has been falsely implicated in this matter and no case except the present one is pending against the petitioner. Counsel

further submits that against the three other identified persons number of criminal cases are pending.

3. Learned Public Prosecutor has opposed the bail application.
4. Considering the contentions put-forth by the counsel for the petitioner and taking into account the facts and circumstances of the case and also considering the fact that no other criminal case is pending against the petitioner and without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the petitioner on bail.
5. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner **Akash@rahul S/o Ramavtar** shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(INDERJEET SINGH),J

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