

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

S.B. Criminal Miscellaneous Bail Application No. 11126/2021

Talim S/o Aliyas, Aged About 24 Years, Kaithwada Road Vill. Jhejpuri Ps Kaithwada Dist. Bharatpur Raj. (At Present Confined In Central Jail Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 11451/2021

Azhar Khan S/o Mohammad Rafik, Aged About 33 Years, R/o Modak Station Ps Modak Dist. Kota At Present H.n. 175-A Near Sabji Mandi Sanjay Nagar Ps Vigyan Nagar Kota Raj. (At Present Confined At Central Jail Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

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For Petitioner(s) : Mr. Girish Khandelwal  
Mr. Abdul Kalam Khan

For Respondent(s) : Mr. Mangal Singh Saini, PP

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

**सत्यमेव जयते**

**Order**

**30/09/2021**

In wake of second surge in the COVID-19 cases, abundant caution is being maintained, while hearing the matters in Court, for the safety of all concerned.

This Court perused the material available on record.

The petitioners have been arrested in FIR No.86/2021 of Police Station Vidhayakpuri, Jaipur City (South) for the offences

punishable under Sections 420 & 406. They have preferred these bail applications under Section 439 Cr.P.C.

Learned counsel for the petitioners submits that the allegation against the petitioners is that they have tampered with the ATM and withdrawn money. Learned counsel further submits that the petitioners are in custody since 27.05.2021 and are aged 24 & 33 years respectively. Learned counsel further submits that no money was recovered from the petitioners.

Learned Public Prosecutor opposed the bail applications and submits that the usage of high technology by the petitioner is evident and they have tampered with the ATM to have unlawful gain.

Looking into the custody period of the petitioners and absence of recovery of money from them, this Court is of the opinion that at this stage, the custody of the petitioners in this case is not warranted.

Thus, having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused petitioners under Section 439 Cr.P.C.

Accordingly, these bail applications filed under Section 439 Cr.P.C. are allowed and it is directed that petitioners **(1) Talim S/o Aliyas** and **(2) Azhar Khan S/o Mohammad Rafik** shall be released on bail in connection with FIR No.86/2021 of Police Station Vidhayakpuri, Jaipur City (South) provided each of them execute a personal bond in a sum of Rs.50,000/- with two sound

and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(DR.PUSHPENDRA SINGH BHATI),J

SHASHI KANT GAUR /29-30

RAJASTHAN HIGH COURT

