

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

S.B. Criminal Miscellaneous Bail Application No. 12540/2021

Bodu Ram S/o Late Shri Mannaram, Aged About 66 Years, R/o Village Luniyawas, Tehsil Amer, Police Station Harmada, District, Jaipur, Rajasthan.

----Accused-Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s) : Mr. Vijay Kumar Jangid
For Respondent(s) : Mr. Laxman Meena, PP
For Complainant(s) : Mr. Arvind Sharma with
Ms. Manorma Sharma with
Mr. Kamal Kumar Mathur

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

30/09/2021

This application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with F.I.R. No. 600/2020 registered at Police Station Harmada District Jaipur (West) for the offence(s) under Section(s) 420, 467, 406, 468, 447, 511 & 120-B IPC.

It is contended by learned counsel for the petitioner that undeniably he is Khatedar-tenant of the land in question and for his personal requirement, he obtained a loan against it which has already been repaid. He submits that civil litigation is already subjudice qua the land in question in between the parties. With regard to agreement dated 06.10.2005, learned counsel submitted that the same stands cancelled as the complainant did not pay the entire sale consideration under it. He submits that the petitioner

has joined the investigation in pursuance of direction of this Court, he has no criminal antecedents, his custodial interrogation is not warranted and prayed for his release on pre-arrest bail.

Learned Public Prosecutor assisted by the learned counsel for the complainant opposing the bail application submitted that despite receiving the sale consideration under the agreement dated 06.10.2005, he has not only obtained loan against the property in question; but, sold it to the third person. He, therefore, prayed for dismissal of the bail application.

Taking into consideration the submissions advanced by learned counsels for the respective parties, the nature of allegation against the petitioner, he being khatedar-tenant of the land in question, the material contained in the case diary, pendency of civil litigation, repayment of the entire loan amount by him, absence of criminal antecedents and his joining the investigation; but, without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the petitioner on pre-arrest bail.

Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of petitioner in connection with afore-mentioned FIR registered at concerned Police Station the petitioner **Bodu Ram S/o Late Shri Mannaram** shall be released on bail; provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) along with two sureties of Rs.50,000/- (Rupees Fifty Thousand Only) 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.

Sudha/26

(MAHENDAR KUMAR GOYAL),J



सत्यमेव जयते