
(2023) 01 RAJ CK 0059

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 447 Of 2023

Himmat Singh

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 12-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 419, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 01 RAJ CK 0059

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Deepak Menaria, Muktiyar Khan

Final Decision : Allowed

Judgement

Vijay Bishnoi, J

Heard learned counsel for the parties and perused the material available on record.

The petitioner(s) has/have been arrested in FIR No.652/2022 of PS Kotwali Nimbahera, District Chittorgarh for the offence(s) punishable under Section(s) 419, 420, 467, 468, 471 and 120B I.P.C. He/She/They has/have preferred this/these bail application(s) under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that allegation against the petitioner is to the effect that he impersonated the original owner and on the basis of which, the registered sale deed has been executed. Learned counsel for the petitioner has further submitted that the petitioner is an illiterate labour and he was asked by the co-accused persons to give witness and the petitioner, without being aware that the co-accused persons have impersonated him as owner, appeared before the Registering Officer. It is also submitted that no other case of similar nature is pending against the petitioner and the offence is triable by Magistrate.

Learned counsel for the petitioner(s) has submitted that offence(s) alleged to have been committed by the petitioner(s) is/ are triable by Magistrate.

Learned Public Prosecutor has opposed the bail application(s).

Having regard to the totality of the facts and circumstances of the case and taking into consideration the fact that the alleged offence(s) levelled against the petitioner(s) is/are triable by Magistrate, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner(s) under Section 439 Cr.P.C.

Accordingly, this/these bail application(s) filed under Section 439 Cr.P.C. is/are allowed and it is directed that petitioner(s) Himmat Singh S/o Ram Singh shall be released on bail in connection with FIR No.652/2022 of PS Kotwali Nimbahera, District Chittorgarh provided he/she/they execute(s) 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 his/her/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.