
(2004) 11 RAJ CK 0011

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 5296 of 2004

Jaswinder Singh and Others

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 09-11-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 323, 34, 498A

Citation : (2004) 11 RAJ CK 0011

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Advocate : J.S. Sodhi, for the Appellant; R. Kuldeep, Public Prosecutor, for the State, for the Respondent

Judgement

Narendra Kumar Jain, J.—Heard learned counsel for the parties and perused the material made available to me on record.

2. The petitioners have filed this bail application for interim bail u/s 438 Cr.P.C. for the issuance of necessary directions to the SHO Police Station, Mahila Thana, Raipur, Distt. Chhattisgarh that in the event of arrest of the accused petitioners in the FIR No.86/2004 for offences under Sections 498A, 323, 506B and 34 IPC, they may be released on bail for a short period so as to approach to the concerned Court, in the State of Chhattisgarh. The learned counsel for the petitioners submits that at present they are residing in Ajmer (Rajasthan).

3. Learned counsel for the petitioners has cited before me the Case of Banwarilal Vs. State of Rajasthan, 2003 WLC (Raj.) US 258, wherein this Court has granted transitory bail to the accused petitioner u/s 438 Cr.P.C. only for 15 days. In another judgment given in the Case of Jagdish Prasad Bansal Vs. The State of Rajasthan, 1993 RCC 325, wherein also this Court has granted interim bail to the petitioners so as to approach to the competent Court for filing appropriate bail application in accordance with the provisions of law. This Court in the case of Shivalal Dave Vs. The State of Rajasthan, 2003 WLC (Raj.) UC 36, in the similar

circumstances also granted temporary bail to the accused petitioner u/s 438 Cr.P.C.

4. The learned Public Prosecutor does not oppose the bail application seriously.

5. I have considered over the submissions made at the bar. After taking in to consideration all the facts and circumstances of the case, I allow the instant bail application for interim bail filed u/s 438 Cr.P.C.

6. The SHO/I.O.Police Station, Mahila Thana, Raipur, District Raipur, Chhattisgarh, is, therefore, directed that in the event of arrest of accused petitioners namely; Jaswinder Singh, Hardev Singh and Swaran Kaur, in FIR No.86/2004 they may be released on interim bail, for a period of 15 days from today; provided each one of them furnishes a personal bond in the sum of Rs.20,000/- and one surety in the like amount to the satisfaction of the SHO/I.O. concerned. However, the petitioners are directed to approach before the competent Court in the State of Chhattisgarh, within a period of 15 days from today. In case, the petitioners fail to approach the competent Court in the State of Chhattisgarh, within the stipulated time of 15 days, it will be open to the SHO/I.O. concerned, to take proper action against them in accordance with the provisions of law. The life of this order of interim bail is only upto 24th November, 2004. During the said period, the petitioners shall not interfere with the investigation of the case and will also not leave India, before prior permission of this Court.