

(2020) 02 RAJ CK 0456
In the Rajasthan High Court

Case No : Criminal Miscellaneous 2nd Bail Application No. 2211, 2212 Of 2020

Leela And Ors

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 19-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 363, 366A, 372, 365, 344, 346, 370, 370K,
373, 376A, 376D, 376 (3), 376B
Protection of Children from Sexual Offences (POCSO) Act, 2012 — Section 3, 4, 5, 6,
16, 17
Juvenile Justice (Child Care and Protection) Act, 2015 — Section 75

Citation : (2020) 02 RAJ CK 0456

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Deepak Menaria, Bhushan Singh Charan, Mohd. Javed Gauri

Final Decision : Allowed

Judgement

S.B. Criminal Miscellaneous 2nd Bail Application No. 2211/2020

The present second bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners who are in custody in connection with F.I.R.

No.153/2019, Police Station- Hanuman Nagar, District Bhilwara for the offences under Sections 363, 366-A, 372, 376-D, 365, 344, 346, 370, 370-A,

373, 376-A, 376 (3), 376-B, 120-B of IPC, sections 3, 4, 5, 6, 16, 17 of POCSO Act, section 75 of Juvenile Justice (Child Care and Protection) Act,

2015 and section 3, 4, 5 of Prevention of Immoral Trafficking Act.

Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

It is submitted by learned counsel for the petitioners that after rejection of the

first bail application of the petitioners by this court vide order dated 24.01.2020, co-accused Smt. Krishna and Smt. Lali have already been granted by this court vide order dated 11.02.2020. He further submits that as per the statements of PW1 Sohan Lal, PW2 Anjali, PW3 Jiya, PW4 Sapna, PW5 Rooni, PW6 Meemakshi and PW7 Pinki, the petitioners have not been named. Therefore, it is prayed that the petitioners may be enlarged on bail. The learned Public Prosecutor opposes the bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that the bail application filed by the petitioners deserves to be accepted.

Consequently, the second bail application is allowed. It is ordered that the accused-petitioners Smt. Leela W/o Roop Singh Kanjar, Smt. Shakuntala

W/o Gulab Kanjar & Smt. Manju W/o Phoolchand Kanjar arrested in connection with F.I.R. No.153/2019, Police Station- Hanuman Nagar, District

Bhilwara shall be released on bail; provided they furnish a personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) each with two sureties of

Rs.25,000/- (Rupees : Twenty Five Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court

on all dates of hearing and as and when called upon to do so.

S.B. Criminal Miscellaneous Bail Application No. 2212/2020

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R.

No.153/2019, Police Station- Hanuman Nagar, Bhilwara for the offences under Sections 363, 366A, 370, 370K, 372, 373, 342, 344, 120-B of IPC,

section 3/4, 5/6 of POCSO Act and section 3, 4, 5 of PITA Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

It is submitted by learned counsel for the petitioner that co-accused Smt. Krishna and Smt. Lali have already been granted by this court vide order

dated 11.02.2020 and the case of the present petitioner is not distinguishable from the case of the co-accused persons who have already been

enlarged on bail. Therefore, it is prayed that the petitioner may be enlarged on bail.

The learned Public Prosecutor opposes the bail but he is unable to distinguish the

case of the petitioner from the case of co-accused persons who have already been enlarged on bail this court.

Having regard to the facts and circumstances of the case, upon a consideration of the arguments advanced and in view of the fact that co-accused persons have already been enlarged on bail, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner Parveshwar S/o Shaktiya Kanjar arrested in connection with

F.I.R. No.153/2019, P.S. Hanuman Nagar, Bhilwara shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- (Rupees: Fifty

Thousand Only) with two sureties of Rs.25,000/- (Rupees : Twenty Five Thousand Only) each to the satisfaction of the learned trial court with the

stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.