

(2020) 05 RAJ CK 0014

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No.1402 Of 2020

Madan Lal Kothari And Ors

APPELLANT

Vs

State Of Rajasthan, Through Pp

RESPONDENT

Date of Decision : 05-05-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2020) 05 RAJ CK 0014

Hon'ble Judges : Sanjeev Prakash Sharma, J

Bench : Single Bench

Advocate : Saransh Saini, S.S. Ola

Judgement

The bail application has been filed under Section 438 CrPC. in connection with FIR No.405/2018 registered at Police Station Sadar, Jaipur for the offences under Section 420,467,468,471,120-B IPC whereupon the investigation was commenced. Apprehending their arrest, the petitioners moved the bail application before the court below, which were dismissed. Hence, the bail application has been filed.

Learned counsel for the petitioners submits that the petitioners are attesting witnesses to a Will, which is alleged to be forged, but the Will has not been recovered and that the beneficiary - Riya Sharma has already been released on bail.

Learned Public Prosecutor has opposed the bail application.

Taking into consideration the nature of the allegations levelled against the petitioners and that the beneficiary has already been released on bail, but without commenting on merits of the case, this bail application filed under Section 438 CrPC is allowed and it is directed that in the event of arrest of petitioners (1) Madan Lal Kothari S/o Shri Sohan Lal Kothari and (2) Rushabh Patel S/o Shri Mahendra Patel in the aforesaid FIR, they shall be released on bail

by the concerned SHO/Investigating Officer, provided they furnish a personal bond in the sum of Rs. 20,000/- each of them with one surety of the like amount to his satisfaction on the following conditions:

- i) That the petitioners shall make themselves available for interrogation by a police officer, as and when required;
- ii) That the petitioners 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 them from disclosing such facts to the court or to any police officer;
- iii) That the petitioners shall not leave without previous permission of the court;
- iv) That the petitioners shall not commit any offence similar to the offence of which they are accused or suspected.