

(2020) 01 RAJ CK 0186

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 721 Of 2020

Nirmal Choudhary

APPELLANT

Vs

State, Through P.p.

RESPONDENT

Date of Decision : 24-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120-B, 201, 323, 411, 413, 414, 417, 467, 468, 471, 472, 482

Citation : (2020) 01 RAJ CK 0186

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : B. Ray Bishnoi, Gaurav Singh

Final Decision : Allowed

Judgement

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner/s who is/are in custody in connection with F.I.R. No.347/2019, P.S. Devnagar, District Jodhpur, for the offences under Sections 420, 411,413,414,417,467,468,471,120-B,201,472,482 of IPC.

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

Learned counsel for the petitioner submits that the fact in the order dated 3.1.2020 that there are five cases of like nature registered against the petitioner is incorrect.

On being confronted with the learned Public Prosecutor, he submits that inadvertently, number of five cases has been mentioned. However, he submits that there is one case which is pending against the petitioner in Delhi. There is one more case which is registered against the petitioner but the same is under Section 323 IPC and except these two cases, no case is pending against the present petitioner.

Counsel for the petitioner further submits that the case which is registered in Delhi is arising out of the same incident in which theft of the present vehicle is involved.

He further submits that the co-accused Amir Hasan @ Kalan and Sadik Khan have already been granted bail by this Court vide order dated 21.01.2020 and 3.1.2020 and the case of the present petitioner is not distinguishable from the case of the co-accused who have already been released on bail by this Court.

The learned Public Prosecutor opposes the bail application but he is unable to distinguish the case of the present petitioner vis-a-vis the case of the co-accused persons who have been enlarged on bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and considering the fact that the case of the present petitioner is identical to co-accused aforesaid who have been enlarged on bail by this Court, this Court is of the opinion that the petitioner is also entitled for the grant of bail under Section 439 Cr.P.C.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner Nirmal Choudhary S/o Prema Ram arrested in connection with F.I.R. No.347/2019, P.S. Devnagar, District Jodhpur, shall be released on bail; provided he/they 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.