

(2021) 12 RAJ CK 0018

In the Rajasthan High Court

Case No : S.B. Criminal Misc. 3rd Bail Application No. 15124 Of 2021

Shankar Lal

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 02-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 370(4)

Protection Of Children From Sexual Offences Act, 2012 — Section 6, 17

Citation : (2021) 12 RAJ CK 0018

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Ram Singh Rawal, MS Bhati

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The present third bail application has been filed under Section 439 of Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No.10/2018, Police Station Phalsia, District Udaipur for the offences under Section 370(4) of IPC and Section 6/17 of Protection of Children From Sexual Offence Act, 2012.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioner submits that the case of the present petitioner is not distinguishable from the co-accused Vijaypal who has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 20.11.2021 and rather stands on better footing to the case of Sanjay Kumar who has been enlarged on bail. He, therefore, prays that the petitioner may be enlarged on bail.

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 peculiar facts and circumstances of the case and the fact that case of the petitioner is identical to the co-accused who have been enlarged on bail by this Court, this Court deems it just and proper to release the petitioner on bail.

Consequently, the present third bail application filed under Section 439 of Cr.P.C. are allowed. It is ordered that the accused-petitioner - Shankar Lal S/o Jeeva Ram Pargi arrested in connection with F.I.R. No. 10/2018, Police Station Phalsia, District Udaipur 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.