

(2020) 01 RAJ CK 0240
In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 886, 887 Of 2020

Shekh Kamal Hasan And Ors

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 370

Juvenile Justice (Care & Protection Of Children) Act, 2015 — Section 75, 79

Citation : (2020) 01 RAJ CK 0240

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Praveen Bhati, Shambhoo Singh, Gaurav Singh

Final Decision : Allowed

Judgement

The present bail applications have been filed under Section 439 Cr.P.C. on behalf of the petitioners who are in custody in connection with F.I.R. No.121/2019, Police Station Ghantaghar, Udaipur for the offences under sections 370 of IPC and section 75 & 79 of Juvenile Justice (Care & Protection of Children) Act, 2015.

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

It is submitted on behalf of the petitioners that the allegation of trafficking against the present petitioners is baseless and unfounded. He further submits that similarly situated co-accused Kinkar Sardar, Shekh Mafijul, Taraknath Hajara, Asgar Ali Shekh @ Montu and Arif Thandar have already been granted bail by this Court vide orders dated 21.01.2020 and 14.01.2020 and the case of the present petitioners 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 petitioners 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 petitioners is identical to co-accused aforesaid who have been enlarged on bail by this Court, this Court is of the opinion that the petitioners are also entitled for the grant of bail under Section 439 Cr.P.C.

Consequently, the bail applications are allowed. It is ordered that the accused-petitioners Shekh Kamal Hasan S/o Shekhasraful, Shekh Firdos Ali S/o Shri Shekh Gulam Mustafa & Uttam Malik S/o Shri Madhusudan Malik arrested in connection with F.I.R. No.121/2019, Police Station Ghantaghar, Udaipur , 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.