

(2010) 10 RAJ CK 0084
In the Rajasthan High Court

Case No : Criminal Miscellaneous 2nd Bail Application No. 9322 of 2010

Vinod Jain

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 120, 120B, 201, 406, 420

Citation : (2011) 7 RCR(Criminal) 812 : (2011) 3 RLW 2012

Hon'ble Judges : Munishwar Nath Bhandari, J

Bench : Single Bench

Advocate : Reashm Bhargava, for the Appellant; G.S. Fauzdar, Public Prosecutor, for the Respondent

Judgement

Munishwar Nath Bhandari, J.—Heard learned counsel for the petitioner as well as the learned Public Prosecutor and perused the record of the case. Learned counsel submits that charge-sheet has been filed in this matter. It is stated that out of 1,50,000/- shares transferred in the name of Amay Home Service, only 2250 shares are held by Vinod Jain. The Amay Home Service is held mainly by Rohit Suri, who entered into transaction sometime in the month of December, 2008. Petitioner became Director in the year 2009. Looking to aforesaid, main holder of the company is Rohit Suri and his family. The allegations against the petitioner are mainly for commissioning of offence u/s 201 of IPC though with the add of Section 120, allegation for commissioning of offence u/s 420 & 406 of IPC have also been made but there is no material to connect the petitioner for commissioning of offence under Sections 420 and 406 of IPC. It is stated that petitioner is not even named in the FIR and nobody has made allegation for booking and receipt of money by him. Looking to aforesaid and the fact that company is mainly held by Rohit Suri, petitioner may be enlarged on bail this is more so when in the investigation report also, aforesaid facts have come.

2. Learned Public Prosecutor has opposed this bail application and submits that

Aamay Home Service is mainly held by Rohit Suri and his family and out of 1,50,000 shares, 2250 shares are in the name of Vinod Jain. It is otherwise the fact that record of the company was not made available, thus offence u/s 201 of IPC is made out against petitioner. After considering all the facts and circumstances of the case and without expressing any opinion on merits of the case, I consider it just and proper to release the accused-petitioner, namely, Vinod Jain S/o Pukhraj Jain on bail u/s 439 Cr.P.C. in FIR No, 234/2010 registered at Police Station Ashok Nagar, Jaipur City South for offence under Sections 406/420/467/471/120B IPC provided, he furnishes a personal bond in the sum of Rs. 40,000/- together with one surety in the like amount to the satisfaction of the learned trial Court for his appearance before that Court on all subsequent dates of hearing and as and when called upon to do so.