HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 864/2020

Saiyad Rashid Hasami S/o Lt. Sh. Basar Hasami, Aged About 52 Years, B/c Saiyad Musalman, R/o Hamrath, Police Station Jammui, District Jammui, Bihar Presently Residing At House No. 1006, Varunamahagun, Sector No. 78, Noyada, Police Station Noyada, Sector No. 49, Noyada, District Gautambudh Nagar (Uttarpradesh). (At Present Lodged In District Jail, Bhilwara).

----Petitioner

Versus

State, Through Pp

----Respondent

For Petitioner(s) : Mr. Deepak Menaria (through VC)
For Respondent(s) : Mr. A.R. Choudhary, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

03/12/2020

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.556/2018 of Police Station Pratapnagar, District Bhilwara for the offences punishable under Sections 406, 420 and 120-B of IPC and Sections 3, 4, 5, 6 of Cheat Fund Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that after rejection of the second bail application of the petitioner, charges have been framed by the trial against the petitioner and trial of the case is not proceeded further on account of Covid-19 situation. It is also submitted that the petitioner is in custody from

last more than one year, however, the charges framed against him are triable by magistrate only. It is thus prayed that the petitioner may be enlarged on bail.

Learned Public Prosecutor has opposed the bail application and submitted that petitioner is the resident of Uttar Pradesh and there is all possibility that after releasing on bail, he will not return for completing trial pending against him.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Saiyad Rashid Hasami S/o Lt. Sh. Basar Hasami shall be released on bail in connection with FIR No.556/2018 of Police Station Pratapnagar, District Bhilwara provided he executes **a personal bond in a sum of Rs.2 lac with two sound and solvent local sureties of Rs.1 lac each** to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J

42-Taruna/-