HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8017/2020

Smt. Saroj Chouhan W/o Sh. Ugamsingh Chouhan, Aged About 36 Years, B/c Rajput (Chouhan), R/o 9/911 Kuri Bhagtasani Housing Board, Jodhpur

----Petitioner

Versus

State, Through Pp

----Respondent

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Connected With

S.B. Criminal Miscellaneous Bail Application No. 3293/2020

Balkishan S/o Soma Ram, Aged About 30 Years, B/c Mali, R/o Nimbla Bera, Rajasani, Teh. Tinwari, Dist. Jodhpur.

----Petitioner

Versus

State, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Rama Kishan Bishnoi & Mr. C.S.Kotwani through VC on Cisco Webex App.
For Respondent(s)	:	Mr. Shrawan Bishnoi, PP Mr. D.L.R. Vyas for the complainant through VC on Cisco Webex App.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

04/12/2020

Lawyers are not appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona virus (COVID-19).

This applications for anticipatory bail have been filed by the petitioners apprehending their arrest in connection with F.I.R.

No.21/2020, Police Station Kuri Bhagtasni, Police Commissionerate, Jodhpur for the offences under Sections 420, 406 and 120-B of IPC.

Heard learned counsel for the petitioner, learned Public Prosecutor as also learned counsel for the complainant. Perused the material available on record.

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Learned counsel for the petitioners submit that there is a dispute with respect to the transaction for sale of the house in question. They further submit that already a civil suit is pending before the competent civil suit with respect to the amount being paid. It is further contended that to put pressure on the petitioners, criminal machinery has been put into motion whereas the facts clearly depict that it is case of purely civil nature.

The learned Public Prosecutor as well as the counsel for the complainant oppose the bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C.

Accordingly, the bail applications are allowed and it is directed that in the event of arrest of petitioners Smt. Saroj Chouhan W/o Sh. Ugamsingh Chouhan & Balkishan S/o Soma Ram,, in connection with F.I.R. No.21/2020, Police Station Kuri Bhagtasni, Police Commissionerate, Jodhpur, the petitioners shall be released on bail; provided they furnish a personal bond in the sum of Rs.50,000/- (Rupees: Fifty Thousand Only) along with two sureties of Rs.25,000/- (Rupees: Twenty Five Thousand Only)

each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

(I) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer; and

(iii) that the petitioners shall not leave India without previous permission of the court.

(VINIT KUMAR MATHUR),J

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