HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13874/2020

Smt Suman @ Manju W/o Shri Rakesh @ Rahul Gurjar, Aged About 32 Years, Chorbi Dhani, P.S. Bandikui, Dist. Dausa, At Present Tenant Of Shri Nathulal @ Kherilal, Bhojpura Kacchi Basti, Bypass Godam, Jaipur, P.s. Ashok Nagar, Dist. Jaipur. (At Present Lodged At District Jail Bhilwara).

----Petitioner

Versus

State of Rajasthan.

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 14335/2020

Rajesh Bairwa @ Raju S/o Sh. Ramphal Bairwa, Aged About 20 Years, R/o Banskohri Police Station Bassi District Jaipur Rajasthan. (Presently Confined At Central Jail, Dausa).

----Petitioner

Versus

State Of Rajasthan, Through Special Public Prosecutor

----Respondent

For Petitioner(s) : Mr. S.S. Sisodia with Mr. Jaipal Singh (on VC)
Ms. Sara Parveen (on VC)

For Respondent(s) : Mr. Gaurav Singh, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

14/12/2020

In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

This Court perused the material available on record.

The petitioners have been arrested in FIR No.103/2020 of

Police Station Shambhugarh, District Bhilwara for the offences punishable under Sections 363, 365, 366 IPC, Sections 16 & 17 of POCSO Act and Section 84 of Juvenile Justice Act (Care and Protection of Children) Act, 2015. They have preferred these bail applications under Section 439 Cr.P.C.

Learned counsels for the petitioners submit that it is not a case where the child was kidnapped for ransom and neither any harm has been brought to the child. They further jointly submit that the child was though recovered from them but was in a happy state and there was nothing to show that any harm was brought to the child. They also submit that there are no previous criminal antecedents of the present petitioners.

Learned Public Prosecutor has opposed the bail applications but is unable to refute the aforesaid factual matrix.

Having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused petitioners under Section 439 Cr.P.C.

Accordingly, these bail applications filed under Section 439 Cr.P.C. are allowed and it is directed that petitioners **(1) Smt Suman @ Manju W/o Shri Rakesh @ Rahul Gurjar,** and **(2) Rajesh Bairwa @ Raju S/o Sh. Ramphal Bairwa** shall be released on bail in connection with FIR No.103/2020 of Police Station Shambhugarh, District Bhilwara provided each of them execute a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of

learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(DR.PUSHPENDRA SINGH BHATI),J.

149-150 Zeeshan/-

RAJASTHAN HIGH COURT
सत्यमेव जयते