HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 11104/2024

Raees @ Goojar S/o Ali Husain @ Babu Shah, Aged About 27 Years, R/o Mandita P.s. Sangod District Kota Rural. (At Present Confined At Central Jail Kota).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Simran Bharti
For Respondent(s)	:	Mr. M.S. Shekhawat, PP Mr. Narendra Singh Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

11/12/2024

1. The instant bail application has been filed under Section 483 of BNSS, on behalf of the petitioner, who has been arrested in connection with FIR No.160/2024 registered at Police Station Dadabari, District Kota City (Raj.) for the offences punishable under Section 379 of IPC. During investigation, offence punishable under Section 379 of IPC has been found proved against the petitioner.

2. It is contended by learned counsel for the petitioner that the accused-petitioner has falsely been implicated in this case. Learned counsel submits alleged offence is triable by Magistrate. Counsel submits that maximum sentence of alleged offence is three year. Counsel submits that charge-sheet has been filed in this matter. Petitioner is in custody since 28.06.2024. Further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor opposes the submissions made by the counsel for the petitioner. He submits that petitioner is habitual offenders and 15 other cases have been registered against the accused-petitioner.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner, especially the fact that alleged offence is triable by Magistrate; charge-sheet have been filed in this matter; looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application.

6. This bail application is accordingly allowed and it is directed that accused-petitioner **Raees @ Goojar S/o Ali Husain @ Babu Shah** shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall mark his presence on first Monday of every month in the concerned police station.

8. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the bail granted to him by this Court.

9. Office is directed to send copy of this order forthwith to the accused petitioners through concerned Jail Superintendent. Office is also directed to send copy of this order to the concerned trial court forthwith. After receiving copy of this order, the learned trial court shall intimate the accused petitioner regarding this bail granting order.

(ANIL KUMAR UPMAN),J

LALIT MOHAN /125