HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 13521/2024

Pulkit Yadav S/o Sh. Jaykishan Yadav, Aged About 26 Years, R/o House No. 733, Surajpura House, Sardul Singh Ki Naal, Chini Ki Burj, Chhoti Chopad, P/s Kotwali, Jaipur (West). At Present Plot No. 36 S, Block, Ekta Nagar, Keshavpura Girdharipura, P/s Bhankrota, Jaipur. (At Present Petitioner Is Confined In Central Jail Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15169/2024

Yashvardhan Singh Urf Yash Rathod S/o Ajaypal Singh, Aged About 20 Years, R/o Village Rampura, Gacchipura, P.s. Gacchipura, District Nagaur. Currently R/o Plot No. 273 Chand Bihari Nagar Khatipura, Jhotwada, Jaipur Raj. (Presently Confined In Central Jail, Jaipur.)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr. Brahma Prakash Mr. Rajendra Singh Rajawat Mr. Harsh Joshi for Mr. Deepak Chouhan
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Ashish Gausinga Mr. Surendra Singh Ranawat, ACP Jhotwara Mr. Prabhu Singh, SI, Jhotwara

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HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

10/12/2024

1. These two bail applications were preferred in a matter arising out of FIR No.531/2024 registered at P.S. Jhotwara Jaipur West. Since matter pertains to same FIR therefore we are considering the bail applications by common order.

2. Considered submissions of Mr. Surendra Singh Ranawat, ACP Jhotwara and Mr. Prabhu Singh SI (IO) in pursuant to direction dated 24.10.2024 in S.B. Criminal Revision Petition No.1803/2024.

3. Learned Public Prosecutor has submitted status report and same is taken on record. Both police officials have assured to the Court that they are taking possible steps to nab the remaining accused. Learned Public Prosecutor submitted that for compliance the matter be listed in second week of January, 2025.

4. Having considered the submissions for compliance, the matter be listed in second week of January, 2025.

5. Now we are considering bail application Nos. 13521/2024 and 15169/2024.

6. Learned counsel for petitioner Pulkit submitted that he is an innocent person and he was falsely implicated by police. He also submitted that as per complainant the incident is night of 14-15.08.2024 but report was registered on 18.08.2024. He also submitted that despite alleged kidnapping or abduction of complainant and also exerting pressure over him no complaint was made by him just after release from alleged illegal custody of accused. He also submitted that despite availability of police at door step no report was registered by complainant on time. He submitted that complainant and accused have regular business transaction and due to business enmity false report was registered against Pulkit Yadav. He also submitted that the entire case is

concocted and fabricated. He also referred the statement of witnesses and submitted that the petitioner is an innocent person and disposal of criminal case will take its own time. At last, he submitted that offence is triable by Class-Ist Magistarte.

7. Learned counsel for Yashwardhan Singh submitted that accused was not named in FIR and no specific overt act was mentioned in FIR by complainant. He also submitted that report was registered after substantial delay without explaining the reasons of delay. He also submitted that there is no other criminal antecedents against the petitioner and he is an innocent person. At last, he submitted that disposal of criminal case will take its own time.

8. Aforesaid contentions were opposed by learned Public Prosecutor and learned counsel for complainant.

9. Learned Public Prosecutor has submitted that Yashwardhan was identified in Test Identification Parade. Learned counsel for complainant submitted that during investigation the police has recovered some looted amount from accused.

10. Heard learned counsel for the parties and learned Public Prosecutor. Perused the case diary and report received from concerned Police Station.

11. An FIR No. 531/2024 was registered on 18.08.2024 at P.S. Jhotwara, Distt. jaipur (west) for the incident of night of 15.08.2024. The facts further suggests that during night till 12.00 A.M. the complainant was wrongfully confined and just after his release he made a phone-call at 1.00 P.M. to Jhotwara Police

Station and thereafter, police visited his house and report was registered on 18.08.2024.

12. On 24.10.2024, this Court has allowed the revision petition filed on behalf of juvenile (CCL) and granted him benefit of bail.

13. Both these petitioners were arrested by police during investigation and ₹5 lacs was recovered at the instance of Pulkit yadav and ₹1.50 lacs at the instance of Yashwardhan. As per police report there were 3 other criminal cases registered against Pulkit whereas no criminal antecedents was reported against Yashwardhan. Two other accused Jeetu & Narender @ Sameer are on run and as per police they are taking steps to nab the remaining accused.

14. Having considered the manner in which the crime was committed and also the fact that ₹28 lac were looted/robed from complainant, I am of the considered view that unless the statement of complainant is recorded before the Trial Court this is not a fit case to release petitioners-accused on bail at pre-trial stage.

15. Therefore, in view of the gravity of the matter this Court is not inclined to enlarge petitioners on bail.

16. In view of the aforesaid, the S.B. Criminal Misc. Bail Application Nos. 13521/2024 and 15169/2024 are hereby dismissed.

(ASHOK KUMAR JAIN),J

PREETI VALECHA /02-03