HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No.14739/2024

Vicky @ Vikram @ Choti Bagariya S/o Late Shri Banwarilal Bagariya, Aged About 19 Years, R/o Bad Pipli, Ban Ka Dhani, Police Station Harmada, District Jaipur, Rajasthan.
(Presently confined in Central Jail, Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No.15140/2024

Mangilal @ Kalu S/o Shri Gyarsilal, Aged About 19 Years, R/o Panach, Post Mandor, P.s. Phagi, District Jaipur
(At Present Confined In Central Jail Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Yenu Satyan, Adv. for Mr. Jai Kishan Yogi, Adv. Mr. R.S. Bhardwaj, Adv.
For Respondent(s)	:	Ms. Manju Dave, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

05/12/2024

1. These instant bail applications have been filed under Section 483 of B.N.S.S. on behalf of accused-petitioners. The petitioners have been arrested in connection with FIR No.817/2024, registered at Police Station Mansarovar, District Jaipur City (South) for the offence(s) under Section 304(2) of BNS.

2. Learned counsel for the petitioners submits that the accused-petitioners have falsely been implicated in this case. It is argued that the petitioners are in custody since 23.10.2024 and trial of the case may take considerable time. The offence under Section 304(2) of BNS is exclusively triable by Magistrate and the maximum punishment awarded under such offence is 3 years, therefore, these bail applications of the accused-petitioners may be allowed.

3. Learned Public Prosecutor has vehemently opposed the grant of bail applications. It is contended that the allegation against the petitioners is that they committed robbery of gold chain. The said gold chain was recovered from the possession of the petitioner-Vicky @ Vikram @ Choti Bagariya. It is also contended that petitioners Mangilal and Vicky are habitual offenders and their involvement was found in similar nature of cases and other cases are also pending in different Courts, therefore considering the nature of crime and conduct of the petitioners, the bail applications of the petitioners may be dismissed.

4. Heard and perused the material available on the record.

5. It is not desirable to express anything on the merits of the case, considering the fact that the matter is exclusively triable by Magistrate, I deem it just and proper to enlarge the accused-petitioners on bail.

6. Accordingly, these bail applications under Section 483 of B.N.S.S. are allowed and it is ordered that the accused-petitioners namely; **1. Vicky @ Vikram @ Choti Bagariya S/o Late Shri Banwarilal Bagariya** and **2. Mangilal @ Kalu S/o Shri Gyarsilal,** in connection with FIR No.817/2024, registered at

Police Station Mansarovar, District Jaipur City (South), shall be enlarged on bail provided they furnish a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance before the Court concerned on all the dates of hearing and as and when called upon to do so.

7. The accused-petitioners are also directed to mark their presence on 25th of every month till conclusion of trial before the concerned Police Station. The SHO of the concerned Police Station shall send the presence report of the accused-petitioners to the trial Court, every month. In case of any breach to the above condition, the learned Public Prosecutor shall be free to move the application against the petitioners for cancellation of the bail before the concerned Court.

(PRAVEER BHATNAGAR),J

Ashwani Kr Srivastava/-46-47