HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13924/2024

Pradeep Singh Parmar @ Padubhai S/o Bahadur Singh, Aged About 32 Years, R/o Garabi Chok, Padana ,p.s. Padana, Dist Jamnagar, Gujrat (At Present Lodged In Central Jail Jodhpur.)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 13925/2024

Juma Bhai Sama S/o Ali Bhai, Aged About 37 Years, R/o Vasai, P.s. Seeka, Dist Ja,nagar, Gujrat. (At Present Lodged In Central Jail Jodhpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 13926/2024

Pankaj Sengar S/o Samrath Singh, Aged About 28 Years, R/o Village Sikari Bujurag, P.s. Nadigoav, Dist Jalon, Uttarpradesh. (At Present Lodged In Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 14805/2024

Anas Ahmad S/o Juber Ahmed, Aged About 20 Years, R/o H.no. 7/3, Habib Colony, Khajarana, P.s. Khajarana, Dist Indor, M.p. (At Present Lodged At Central Jail , Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15376/2024

Praveen S/o Saawarlal, Aged About 22 Years, R/o Khavo Ka Mohalla , Guda Vishnoiyan, Jodhpur (Presently Lodged In Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. S.R. Godara Mr. Bhagat Dadhich Mr. Javed Hussain Mr. Ram Kishan Bishnoi
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

18/12/2024

1. These applications for bail under Section 439 Cr.P.C. have been filed by the petitioners who have been arrested in connection with F.I.R. No.347/2024 registered at Police Station Kudi Bhagtasani, Dist. Jodhpur, for the offences punishable under Sections 318(4), 316(2), 61(2) of BNS; and Section 66-D of IT. Act.

2. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

3. As per the prosecution, the complainant received a whatsapp call from whatsapp No.9102270593. In the whatsapp call, one person by impersonating himself as a police officer digitally arrested the complainant and made her deposit Rs.6,00,000/- in different bank accounts. As per the prosecution, this is a serious case in which Rs.6,00,000/- was extorted out of a woman i.e. complainant by the accused persons who posed as police officers.

4. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case. It was submitted that there is nothing on record to indicate that any of the petitioners posed themselves as police officers and digitally arrested the complainant. It was further submitted that the allegation against the present petitioners is that in their bank accounts, the money was transferred by the complainant on being asked by the person who made a whatsapp call to her and conspired to digitally arrest her.

5. Lastly, learned counsel further submitted that the petitioners are in judicial custody; investigation against them has already been concluded and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

6. *Per contra*, learned Public Prosecutor has vehemently opposed the bail applications and submitted that looking to the seriousness of the allegations levelled against the present petitioners, they do not deserve to be enlarged on bail. He further submitted that if the petitioners are granted bail, they might cause hindrance to further investigation in the matter and not co-operate with it. It was thus prayed that the present bail may be rejected.

7. Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that the investigation against the petitioners has already been completed; no recovery is due to be made from them; *prima facie* there is nothing on record to indicate that the petitioners had made whatsapp call to the complainant and digitally arrested her; *prima facie* the main accused of the case who posed himself as police officers namely Vijay Khanna has yet not been arrested by the investigating agency and the trial against the petitioners is not likely to be concluded in near future. This Court also *prima facie* finds that the prosecution has not shown any apprehension of the petitioner influencing the remaining material prosecution witnesses or fleeing away from justice or tampering with the evidence, in case he is enlarged on bail. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

8. Consequently, these second bail applications under Section 439 Cr.P.C. are allowed. It is ordered that the accused-petitioners **(1) Pradeep Singh Parmar @ Padubhai S/o Bahadur Singh, (2) Juma Bhai Sama S/o Ali Bhai, (3) Pankaj Sengar S/o Samrath Singh, (4) Anas Ahmad S/o Juber Ahmed and (5) Praveen S/o Saawarlal** arrested in connection with F.I.R. No.347/2024 registered at Police Station Kudi Bhagtasani, Dist. Jodhpur, shall be released on bail, if not wanted in any other case, provided **each of them** furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

9. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

10. A copy of this order be placed in each file.

(KULDEEP MATHUR),J

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