

Harkesh Kumar Vs. State of Rajasthan

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SooperKanoon Citation : sooperkanoon.com/751310

Court : Rajasthan

Decided On : Feb-25-2003

Reported in : RLW2003(2)Raj812; 2004(5)WLC637; 2003(2)WLN382

Judge : A.C. Goyal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 438; [Rajasthan Excise Act, 1950](#) - Sections 19, 54 and 54A

Appeal No. : S.B. Criminal Misc. Bail Application No. 107 of 2003

Appellant : Harkesh Kumar

Respondent : State of Rajasthan

Advocate for Def. : P.S. Chauthary, Public Prosecutor

Advocate for Pet/Ap. : Shaileshres Balbloda, Adv.

Disposition : Application allowed

Judgement :

Goyal, J.

1. Heard learned counsel for the petitioner learned Public Prosecutor and perused the case diary. It was argued that recallery has already been made and according to case liary no such precious case was registered against the accord.

2. Taking into consideration the entire facts and circumstances of the case, it is just and proper to grant bail to the petitioner under Section 438 Cr.P.C.

3. Therefore, the SHO of Police Station Excise Code, Chirasla is directed that in the event of arrest of petitioner Harkesh Kumar s/o Phool Singh in FIR No. 35/2002 of aforesaid police station be released on bail provided he furnishes a personal bond in the sum of Rs. 20,000/- (Rs. Twenty thousand) with one sound surety of Rs. 20,000/- to the satisfaction of concerned SHO on the following conditions :-

1. that the petitioner shall make himself available for interrogation by a Police Officer as and when required;
2. that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any Police Officer; and
3. that the petitioner shall not leave India without previous permission of the court.