

Some Dutt Vs. State

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Court : Rajasthan

Decided On : Aug-24-1992

Reported in : 1992WLN(UC)145

Judge : N.L. Tibrewal, J.

Appeal No. : S.B. Criminal Misc. Petition No. 1133 of 1992

Appellant : Some Dutt

Respondent : State

Judgement :

N.L. Tibrewal, J.

1. Heard learned Counsel for the petitioner and the Public Prosecutor. It appears that the petitioner is facing trial in Criminal Case No. 202/78 in the court of Additional Munsif & Judicial Magistrate, Jaipur City, Jaipur for the offence under Section 353 & 342, IPC. From the order of the trial court, it also appears that he absented from appearing in the Court on 30.10.85 and thereafter. The petitioner then approached to the Court of Sessions Judge for grant of anticipatory bail under Section 438 Cr.P.C, but the same was rejected on 5.2.92. The plea of the petitioner was that similar offences were withdrawn by the Government and he was given understanty that his case also stood withdrawn as such he did not appear in the Court without any deliberate intention to avoid the trial. The learned

Counsel further submits that the offences under which, the petitioner was facing trial are bailable.

2. It appears that on more than one occasions the petitioner did not appear in the Court and since 1985 he has not been appearing at all. Since 1978 the case is pending and atleast upto 1985 petitioner has been appearing in the Court, but the case could not be disposed of due to the prevailing conditions in our country, even though the offences are of minor nature. The learned Counsel further submits that the petitioner is prepared to give undertaking to the effect that he will appear in the case on all subsequent dates.

3. Taking into consideration all the facts and circumstances of the case, I think that petitioner may be released on bail on some conditions.

4. It is, therefore, directed that petitioner shall be released on bail on his furnishing the bail bond in the sum of Rs. 5,000/- with one surety of the like amount to the satisfaction of the Court for his appearance during the course of trial, subject to the following conditions:

(1) That he shall not leave the State of Rajasthan without prior permission of the court.

(2) That he shall file undertaking in the court that he shall appear in the court in all subsequent dates of hearing.

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