

Jai Singh Vs. State of Rajasthan

Jai Singh Vs. State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/764804

Court : Rajasthan

Decided On : Dec-16-1987

Reported in : 1988(1)WLN599

Judge : Vinod Shanker Dave, J.

Appeal No. : S.B. Cr. Misc. Illrd Bail Petition No. 3084 of 1987

Appellant : Jai Singh

Respondent : State of Rajasthan

Disposition : Application dismissed

Judgement :

V.S. Dave, J.

1. This is third bail application under Section 438 Cr.PC, Two have been rejected earlier. It is strange that accused is moving one after another bail application under Section 438 Cr.PC since June, 1987 and despite the fact that the State is being notified about the applications no efforts are being made to apprehend the accused. The learned Counsel submits his client was ready and willing to surrender himself before the Additional Sessions Judge, Deeg but he was not prepared to consider the application under Section 438 Cr PC. I am unable to appreciate the oral prayers made and observations passed by the Court. It does

not behove either of two to negotiate some thing hypothetically without either the accused being before the court or the application being decided if there is one. On the strength of the order passed in Nasru's bail application it is submitted that the learned Additional Sessions Judge has already taken a view that the appropriate court is the court of Magistrate and not the court of Additional Sessions Judge, the apprehension is wholly misconceived. The complete facts of Nasru's bail are not before me and I am unable to pass a detailed order in this respect but suffice it to say that if an accused surrenders before the court of Sessions or Additional Sessions Judge and also moves an application for bail the court is under an obligation to decide the application rather than turning it to another Court.

2. With the above observations this bail application is dismissed as misconceived.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com