

**Devraj. Vs. State of Rajasthan Through Public Prosecutor.**

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**SooperKanoon Citation :** [sooperkanoon.com/917146](http://sooperkanoon.com/917146)

**Court :** Rajasthan Jaipur

**Decided On :** Apr-27-2011

**Judge :** Mohammad Rafiq, J.

**Acts :** Code of Criminal Procedur - Section 439; Indian Electricity Act - Section 136

**Appeal No. :** S.B. Cr. Misc. Bail Application No.3674/2011.

**Appellant :** Devraj.

**Respondent :** State of Rajasthan Through Public Prosecutor.

**Advocate for Def. :** Shri Sanjeev Kumar Mahala, Adv.

**Advocate for Pet/Ap. :** Shri Rajendra Singh Tanwar, Adv.

**Judgement :**

1. Heard learned counsel for petitioner, learned Public Prosecutor as well as learned counsel for complainant JVVNL and perused material made available to me during course of arguments.

2. Contention of learned counsel for petitioner is that petitioner has been falsely implicated in the matter and that there is no other previous case registered against petitioner.

3. Petitioner has been in jail since 03.10.2010. The offence is triable by a court of Magistrate. Trial may take a long. Learned Public Prosecutor opposed the bail application.

4. After considering all the facts and circumstances of the case and without expressing any opinion on its merits and demerits, I deem it just and proper to allow this bail application. It is therefore ordered that accused-petitioner, namely, Devraj Son of Shri Mangi Lal, Resident of Village Bhasu, Police Station Toda Rai Singh, District Tonk (presently confined in the Jail) be released on bail under Section 439 Cr.P.C., in FIR No.264/2010, Police Station Toda Rai Singh, District Tonk, under Section 136 of the Indian Electricity Act, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25000/- each to the satisfaction of the trial court for his appearance on all subsequent dates of hearing and as and when called upon to do so.

5. However, in case it is found that any other criminal case is pending against petitioner and that misstatement has been made about his whereabouts or any new case in future is registered against him, the bail so granted to him by this court in this bail application would be liable to be cancelled at the instance of prosecution even by the trial court and stipulation to this effect shall be inserted in bail bonds produced by petitioner, and sureties to be produced in support thereof shall be verified by Tehsildar of area concerned. The bail application stands disposed of.

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