

Mohd. Arif Gauri Vs. State of Rajasthan Through Public Prosecutor

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Court : Rajasthan

Decided On : Jul-07-2011

Judge : Mohammad Rafiq, J.

Acts : Code Of Criminal Procedure (CRPC) - Section 439; Indian Penal Code (IPC) - Sections 452 of 34

Appeal No. : Case No. CRLMB 6545 of 2011

Appellant : Mohd. Arif Gauri

Respondent : State of Rajasthan Through Public Prosecutor

Advocate for Def. : Shri. Amit Punia, Adv

Advocate for Pet/Ap. : Shri, Satish Khandal, Adv.

Judgement :

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

2. Contention of learned counsel for petitioner is that the offence alleged against petitioner is under Section 452/34 of the IPC and 3 of the PDPP Act, maximum sentence provided for that is six months; petitioner is in jail for last about two weeks. There is only one previous case registered against the petitioner for offence under Section 452 IPC. Petitioner would undertake not to indulge in any

such or other offence in future and would maintain good conduct in future.

3. 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, Mohd. Arif Gauri Son of Shri Abdul Vahid, Resident of Nayapura, Pidawa, District Jhalawar, be released on bail under Section 439 Cr.P.C., in FIR No.112/2011, Police Station Pidawa, Jhalawar, for offence under Sections 452/34 IPC and 3 of the PDPP 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 petitioner is again found indulging in similar or any other offence at any point of time in future and that misstatement has been made about his whereabouts or non-registration of any other criminal case, the bail granted to him by this court in present case would be liable to be cancelled at the instance of prosecution on this ground alone 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.

6. The bail application stands disposed of.

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