

Smt.Manju Devi Vs. State

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Court : Rajasthan Jodhpur

Decided On : Feb-12-2013

Appellant : Smt.Manju Devi

Respondent : State

Judgement :

S.B. CRL. MISC. 5th BAIL APPLN. NO. 9726/2012. Smt. Manju Devi Vs. State of Rajasthan (Alongwith one connected matter) // 1 // 15 S.B. CRL. MISC. 5th BAIL APPLN. NO. 9726/2012. Smt. Manju Devi Vs. State of Rajasthan .. 16 S.B. CRL. MISC. 4th BAIL APPLN. NO. 6931/2012. Narayan Singh Vs. State of Rajasthan ..
Date of Order ::

12. h February 2013. HONBLE MR. JUSTICE DINESH MAHESHWARI Mr. Ramniwas Bishnoi] Mr. S.D.Vyas] for the applicants. Mr. O.P. Singaria, Public Prosecutor. <<>> BY THE COURT: These two bail applications related with the same matter have been considered together; and are taken up for disposal by this common order. The applicant Smt. Manju Devi (Bail Application No. 9726/2012) has filed this one as the 5th bail application whereas the applicant Narayan Singh (Bail Application No. 6931/2012) has filed this one as the 4th bail application. The earlier bail applications as moved on behalf of these petitioners were rejected on different dates, of course, while expecting from the learned Trial Court to expedite the trial. It is submitted that the petitioners are in custody since 29.03.2009 i.e., for more than 3 years and the trial is still continuing, which is likely to take much further time to conclude. It is submitted that out of the 7 accused persons in this

case, one S.B. CRL. MISC. 5th BAIL APPLN. NO. 9726/2012. Smt. Manju Devi Vs. State of Rajasthan (Alongwith one connected matter) // 2 // Ganesh Ram, has already been ordered to be enlarged on bail when this Court allowed the bail application (No. 1087/2010) moved on his behalf on 09.02.2010. It is further submitted that one of the accused person Babu Puri is absconding whereas another accused Om Prakash, who was also absconding, has now been apprehended on 05.01.2013 and qua him, the trial is likely to commence de novo and the witnesses hitherto examined are likely to be recalled. It is further submitted that with one of the accused still absconding, it does not appear that the matter is likely to be brought to finality at an early date; and when 11 witnesses are yet to be examined and some of the witnesses are to be recalled, in the overall scenario, the trial is likely to take much longer time. It is also submitted that in the given circumstances, where the petitioners were allegedly in the vehicle said to be allegedly escorting the other vehicle carrying 324 kg. of doda-post, no useful purpose would be served with further detention of the petitioners. It is also pointed out that at present, the Presiding Officer is not available in the Court concerned and even if the learned Presiding Officer is posted, in the given set of circumstances, the trial is not likely to be concluded within short span of time. The learned counsel for the petitioners have also referred to several of the orders passed by the different Benches of this Court granting bail in such matters relating to recovery of doda-post, more particularly when the accused had been in custody for long and trial was likely to take extra time. S.B. CRL. MISC. 5th BAIL APPLN. NO. 9726/2012. Smt. Manju Devi Vs. State of Rajasthan (Alongwith one connected matter) // 3 // It is noticed that as back as on 21.12.2011, while rejecting the 4th bail application (No. 7740/2011) moved on behalf of the petitioner Smt. Manju Devi, it was expected of the learned Trial Court to assign a reasonable priority to the matter and to proceed expeditiously while curbing against unnecessary delay. It is also pointed out that the petitioners are in custody since 29.03.2009; that though the petitioner Smt. Manju Devi, of course, remained on interim bail for a period of about 10 months, while she was in advanced stage of pregnancy and delivered a child but now, she is in custody since 15.08.2010. The learned Public Prosecutor has, of course, attempted to oppose the bail applications but could not deny the ground realities that the trial in this case is

likely to take a longer time; and the fact that the co-accused Ganesh Ram, who was the occupant of the vehicle carrying the contraband has already been ordered to be enlarged on bail. In the overall facts and circumstances of the case; and looking to the period the petitioners are in custody and likelihood of the trial taking yet further time, this Court is of the view that it would be just and proper to enlarge the petitioners on bail with higher amount of bond and sureties and with a condition of one of the sureties being the local resident. Accordingly, these bail applications under Sec. 439 Cr.P.C. are allowed and it is directed that the petitioner Smt. Manju Devi wife of Bhanwar Lal (Bail Application No. 9726/2012) and the petitioner S.B. CRL. MISC. 5th BAIL APPLN. NO. 9726/2012. Smt. Manju Devi Vs. State of Rajasthan (Alongwith one connected matter) // 4 // Narayan Singh son of Mool Singh (Bail Application No. 6931/2012) be released on bail in relation to FIR No. 34/2009, Police Station Bagdi Nagar, District Pali provided they execute a personal bond in the sum of Rs. 2,00,000/- (Rupees Two Lacs) each with two sound and solvent sureties in the sum of Rs. 1,00,000/- (Rupees One Lac) each, one of whom shall be the person residing at the place of residence of the accused, to the satisfaction of learned Trial Court for their appearance before that Court on each and every date of hearing and whenever and wherever called upon to do so till the completion of trial. (DINESH MAHESHWARI), J.

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12. h February 2013. HONBLE MR. JUSTICE DINESH MAHESHWARI <<>> This 4th Bail Application moved on behalf of the petitioner Narayan Singh stands allowed (vide common order made in S.B. Criminal Misc. 5th Bail Application No. 9726/2012 : Smt. Manju Devi Vs. State of Rajasthan). (DINESH MAHESHWARI), J.

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