
(2011) 05 RAJ CK 0013

Rajasthan High Court

Case No: Criminal Miscellaneous 2nd Bail Application No. 4207 of 2011

Ramesh Kumar
Sharma @ Ranu

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision: May 31, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 120B, 406, 420

Citation: (2012) 1 Crimes 438

Hon'ble Judges: Mahesh Bhagwati, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Mahesh Bhagwati, J.

This order governs the disposal of second bail application filed u/s 439 of Cr.P.C. by Mr. A.K. Sharma Advocate on behalf of the applicant Ramesh Kumar Sharma @ Ranu pertaining to FIR No. 689/2006 registered at Police Station Vaishali Nagar, Jaipur City, for the offences under Sections 406, 420 and 120B of IPC.

2. Heard learned counsel for the petitioner as also the learned Public Prosecutor for the State and perused the relevant material available on record.

3. Learned counsel for the petitioner canvassed that the accused petitioner has been in custody since 24th September, 2010 and the police, after completion of investigation, has filed the charge-sheet, which has been pending trial and the learned trial court has framed the charges for the offences under Sections 420, 406 and 120B of IPC. The case is at the stage of recording the statements of the prosecution witnesses, which is likely to take time. The offences are exclusively triable by the court of Judicial Magistrate, First Class. Learned counsel further contended that he issued a patta of plot No. 134 to Dr.

Satish, which was earlier being allotted to Om Prakash, who had surrendered this plot. The name of Dr. Satish stands recorded in the list of allottees which was sent by the Society to JDA. This list was also signed and verified by the Administrator. In 1992, he ceased to be the Secretary of the Society and what happened thereafter, has not been in his knowledge. Learned counsel further contended that albeit, there are 4-5 FIRs registered against him but FIR No. 257/1995 has already been quashed and set aside by this Court and in other FIRs, the petitioner has been falsely embroiled. After the rejection of the first bail application, in January, 2011", things have changed substantially, hence, the petitioner may be granted indulgence of bail in the changed fact situation.

4. Learned Public Prosecutor appearing on behalf of the State has opposed the bail application for name"s sake.

5. Having considered the submissions made at the bar and scanned the relevant material on record, it is noticed that all the offences under Sections 420, 406 and 120B of IPC are triable by the court of Judicial Magistrate, First Class. The trial of the case is at its primitive stage. The court is yet to record the statements of the prosecution witnesses, the same is likely to take time. The petitioner has been in custody for the last more than eight months, hence, I sans expressing any opinion on the merits of the case, but under the changed facts situation, deem just and proper to grant indulgence of bail to the petitioner and his second bail petition is allowed.

6. It is, therefore, ordered that the accused petitioner Ramesh Kumar Sharma @ Ranu S/o Shri Shyam Sunder Sharma in FIR No. 689/ 2006 P.S. Vaishali Nagar, Jaipur City, shall be released on bail on furnishing personal bond in the sum of Rs. 50,000 together with two surety bonds each in the sum of Rs. 25,000 to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court on all dates of hearing and as and when called upon to do so till the trial is concluded.