

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S. B. Criminal Miscellaneous Third Bail Application No.
4347/2021

Indrapal Singh S/o Shri Kesar Singh, aged 49 Years, R/o D3/16,
Krishna Nagar, New Delhi-110051.

(At Present Confined In Central Jail, Jaipur)

----Accused-Petitioner

Versus

The State of Rajasthan, through its Public Prosecutor

----Respondent

For Petitioner	:	Mr. Gunjan Pathak Advocate.
For Respondent	:	Mr. Sher Singh Mahla for the State.

HON'BLE MRS. JUSTICE SABINA

Order

26/03/2021

Petitioner has filed this petition under Section 439 Code of Criminal Procedure, 1973 seeking regular bail in F.I.R. No. 111/2016 registered at Police Station Vidhyakpuri, District Jaipur for offences under Sections 420, 467, 468, 471, 406 and 120B of Indian Penal Code, 1860.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.07.2016. Offence in the present case is triable by Magistrate. Charges have been framed in this case after passing of the order dated 23.05.2017 by the Hon'ble Supreme Court. In the facts of the present case, petitioner was entitled to be granted conditional bail. In support of his arguments, learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court in **Sanjay Chandra Vs.**

Central Bureau of Investigation, (2012) 1 Supreme Court Cases 40.

Learned State counsel has opposed the petition.

In the present case earlier bail petition filed by the petitioner was dismissed on merits by this Court keeping in view the seriousness of the allegations levelled against the petitioner. As per the prosecution case, co-accused Prabhudayal had taken loan from the bank to the tune of Rs. 1,50,00,000/- (Rupees One Crore and Fifty Lacs Only) on the basis of forged documents and had defaulted in making the payment. Co-accused Prabhudayal is stated to be brother of the petitioner. After dismissal of bail petition, petitioner approached the Hon'ble Supreme Court and Petition for Special Leave to Appeal (Crl.) No. 2399/2017 filed by the petitioner was disposed of vide order dated 23.05.2017. Order dated 23.05.2017 reads as under:

"By an order dated 24.03.2017, we directed the petitioner to file an affidavit that he would pay the amount due to the Bank.

Today, an affidavit has been produced by the petitioner before this Court wherein the petitioner is expressing his willingness to pay a sum of Rs.1,50,00,000/- (Rupees one crore and fifty lakh only) to the complainant within six months from the date of his release from jail. An undertaking to this effect may be filed by the petitioner in the Registry of this Court. The affidavit filed today is taken on record.

Having heard learned counsel appearing for the parties and taking into consideration the contents of the aforesaid affidavit, we consider it appropriate in the interests of justice to direct the release of the petitioner on bail.

Accordingly, the petitioner is directed to be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties of the like amount to the satisfaction of the trial court.

Accordingly, the special leave petition is disposed of.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of."

Petitioner, in pursuance to the above order dated 23.05.2017, had failed to deposit the amount-in-question and he again surrendered before the trial court and thereafter he is in custody.

Keeping in view the seriousness of allegations levelled against the petitioner and the facts and circumstances of the case, no ground for grant bail to the petitioner is made out.

The judgment relied upon by learned counsel for the petitioner fails to advance the case of the petitioner.

Dismissed.

(SABINA),J

MANOJ NARWANI /6



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