



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 13513/2020

Jugal S/o Shri Pappu Ram, Aged About 21 Years, r/o Lala Lajpatrai Colony, Pratap Nagar Police Station, Jodhpur, District Jodhpur Metro. (Lodged In Central Jail, Jodhpur).

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s) : Mr. Lalit Solanki on VC

For Respondent(s) : Mr. Mohd. Javed, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order



In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

This Court perused the material available on record.

The petitioner has been arrested in connection with FIR No. 195/2020 of Sardarpura Police Station, District Jodhpur for the offences punishable under Section 392/34 of IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that there is no criminal antecedent of the present petitioner.

Learned Public Prosecutor is not in a position to refute the aforesaid submission.

Having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.



Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Jugal S/o Shri Pappu Ram shall be released on bail in connection with FIR No. 195/2020 of Sardarpura Police Station, District Jodhpur provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

There is no mention regarding the status of criminal antecedents of the present petitioner in the impugned order. It is often seen by this Court that the learned courts below are not specific in regard to antecedents of the accused persons, which causes delay in the disposal of the bail applications, as, if the person is not having antecedents and his antecedents are called, receiving of such antecedents reports takes quite some time. Though the antecedent alone is not a ground of rejecting or accepting a bail, but it is must that the Hon'ble High Court should have the antecedent report to check the applicability of Section 437 (1) of Cr.P.C. as well as to weigh the case of the accused person with overall perspective of the allegations levelled.

Thus, this Court directs that all learned trial courts shall, while allowing or disallowing any regular/anticipatory bail application of any accused person, give the complete details of the antecedents, if any, and also record that there are no antecedents of the accused person in case of none being there. If there are antecedents of the accused, then the complete details of



the antecedents i.e. FIR Number(s) & Case Number(s), Section(s), date(s), status and date of arrest & release on any previous occasion, if any, in the chart form shall be prepared and incorporated in the learned trial courts' order, while granting or dismissing the bail application.

This order shall be conveyed by the Registry of this Court to all learned District & Sessions Judges of the State, who shall ensure the immediate implementation of this order amongst all the judicial officers and all courts in their respective jurisdiction, which are hearing the bail applications. The detailed antecedents report in aforesaid format so provided in the trial courts' order shall be the requirement of disposal of any bail application in State of Rajasthan. It is also directed that the learned Public Prosecutors all over the State shall call for the antecedents report well in advance in every case of bail, so as to enable the courts to have a definite and correct information regarding previous criminal antecedents of the accused. A certified copy of this order be also sent by the Registry to the Director of the Prosecution Department of the State for necessary compliance, amongst the learned Public Prosecutors all over the State of Rajasthan.

The Registry of this Hon'ble Court shall ensure compliance of this order, in its letter and spirit, and submit such compliance before this Court on 05.01.2021.

List the case before this Court on 05.01.2021 on top of the list.

(DR.PUSHPENDRA SINGH BHATI),J.

64-Sudheer/-