

TO

SLP(Crl.)No. 2648 OF 2001  
ITEM No.4

Court No. 4

SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.2648/2001

(From the judgement and order dated 23/5/2001 in CRMBA 1226/2001  
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

BABULAL

Petitioner (s)

VERSUS

STATE OF RAJASTHAN

Respondent (s)

(With appln. for bail and exemption from filing O.T. and office  
report)

( For Final Disposal )

WITH SLP(Crl.)Nos.2712 and 3085 of 2001

Date : 04/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS

HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. B.D. Sharma, Adv.  
in SLP(Crl.)2648

in SLP(Crl.)2712 Mr. Surya Kant, Adv.

in SLP(Crl.)3085 Mr. Harinder Mohan Singh, Adv.  
Mr. Anil Hooda, Adv.

For Respondent (s)  
in SLP(Crl.)2648 & Ms. Madhurima Tatia, Adv.  
2712 of 2001 Ms. Indra Makwana, Adv.

For the State Mr. Ranji Thomas, Adv.  
Mr. Javed Mahmud Rao, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Leave granted.

The appeals are disposed of in terms of the  
signed order.

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(Ganga Thakur)  
P.S. to Registrar

(HK Bhatia)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1232 OF 2001@@  
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(Arising out of SLP(Crl.)No.2648/2001)

BANSHILAL ... APPELLANT

VERSUS

STATE OF RAJASTHAN ... RESPONDENTS

With Crl.A Nos.1233 & 1234 @ SLP(Crl.)Nos. 2712/2001 & 3085/2001

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Leave granted.

The three appellants are accused before the Sessions Court facing trial for offences punishable under Sections 366, 368 and 376 read with Section 120B of the Indian Penal Code

They repeatedly moved for being enlarged on bail and in consideration of the gravity of the offences alleged against them, the trial court as well as the High Court repeatedly rejected their bail applications. The present is the latest order by which the High Court declined to grant bail.

When the Special Leave Petitions were pending, we wanted to know about the progress of the trial, particularly whether the prosecutrix would have given evidence in the trial court. On a previous occasion we

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were told that the prosecutrix was examined in chief and the case was again posted for cross-examination. Today we are told that the cross examination was over and hence the case stands posted for taking remaining evidence. All these appellants are in custody from December 2000 onwards (Banshilal, appellant is in custody from November, 2000 onwards). In view of the fact that the main witness, the prosecutrix, has been examined in the trial court, we feel that the appellants need not be further detained as undertrial prisoners and can be enlarged on bail by imposing some stringent conditions. We, therefore order that the appellants be released on bail on each of them executing a bond for such sum as the trial judge may fix and with two solvent sureties to his satisfaction. The appellants shall abide by the following conditions also:

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1. They shall report to Shergarh Police Station (Jodhpur District) on all Sundays between 10.00 a.m. and 12.00 noon unless the trial court otherwise decides.

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- 2. They shall not influence any of the prosecution witnesses or tamper with the evidence in any manner.
- 3. They shall not cause any delay in the further progress of the trial.
- 4. They or any one engaged by them shall not cause any threat or intimidation or cause any physical harm to the prosecutrix or members of her family.

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 With the aforesaid observations, the appeals are disposed of.

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.....J.@@  
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 (K.T. Thomas)@@

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 New Delhi .....J.@@  
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 December 04, 2001 (S.N. Phukan)@@  
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