



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



S.B. Criminal Miscellaneous III Bail Application No. 6866/2024

Prem Raj S/o Shri Babu Lal, Aged About 28 Years, R/o Village Tilwasani, Tehsil Pipar City, Ghana Magra Roa, Jodhpur. (At Present Lodged In Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Bharat Gurjar  
Mr. Ravindra Acharya  
For Respondent(s) : Mr. Abhisehk Purohit, AGA

**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**10/07/2024**

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 439 Cr.P.C. at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	15/2024
2.	Concerned Police Station	Khanda Falsa
3.	District	Jodhpur City East
4.	Offences alleged in the FIR	Under Sections 419, 420, 120-B of IPC and 3, 10(2) of Raj. Public Examination (Prevention of Unfair Means) Act, 2022 and 66(D) of IT Act
5.	Offences added, if any	Under Sections 465, 468, 471 of IPC and 2(f) (i)(ii), 7 of Raj. Public Examination (Prevention of Unfair Means) Act, 2022





6.	Date of passing of impugned order	24.05.2024
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2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-petitioner and he has been made an accused based on conjectures and surmises.
3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.
4. I have considered the submissions made by both the parties and have perused the material available on record. It is alleged that the petitioner was an aspirant of examination for recruitment of teacher and he had sent another person to appear in the exam in his place.

The dummy candidate alleged to have appeared in the examination.

The startling fact of the case would be that the candidate was not apprehended in the examination hall, rather the case was lodged after one year of the examination. Thus, a strong arguable case exists in favour of the petitioner. There is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.





5. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

**(FARJAND ALI),J**

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