



[2024:RJ-JD:44012]

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

S.B. Criminal Writ Petition No. 2276/2024

Yudhishter Singh Rajpurohit S/o Shri Shaitan Singh Rajpurohit,
Aged About 30 Years, R/o Pilowani Police Station Khiwada,
District Pali.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary To The Government, Department Of Home Affairs, Government Of Rajasthan, Secretariat, Jaipur.
2. The Director General Of Police Jail, Government Of Rajasthan, Jaipur.
3. The Superintendent Of District Jail, Sirohi

----Respondents

For Petitioner(s) : Mr. Subham Ojha.
Mr. Tanay Sharma.

For Respondent(s) : Mr. Vikram Rajpurohit, PP.

**HON'BLE MR. JUSTICE ARUN MONGA
Order (Oral)****24/10/2024**

1. Petitioner's father is an accused / under trial in multiple FIRs for alleged offences under Sections 420, 406, 409, and 120-B and he is under incarceration for past more than six years. Being next of kin, petitioner is acting as his guardian ad litem due to paucity of time. He is seeking interim bail for his father to enable him to attend his own marriage (the petitioner herein).
2. It transpires that in all the FIRs petitioner's father is facing allegations of financial misappropriation and irregularities qua a society named Kheteshwar Urban Credit Cooperative Society, Sirohi.
3. At the out set, on court query, learned counsel for the petitioner apprises that father of the petitioner has been languishing in jail since 02.08.2018.



4. Learned counsel for the petitioner submits that in some of the FIRs, the his father has already been enlarged on bail. He has not misutilized the concession so granted. Instant petition deserves to be allowed on humanitarian grounds, he would urge.

4.1 Learned counsel for the petitioner argues that the petitioner's father was granted interim bail in S.B. Criminal Writ Petition No. 716/2023 vide order dated 24.05.2023, which concession he did not misuse and surrender as per the condition imposed.

5. The matter was earlier heard by me Court on 23.10.2024 when learned Public Prosecutor had sought time to verify the contents of the petition.

6. On resumed hearing today, learned Public Prosecutor submits that indeed, the marriage of Petitioner-Yudhishter Singh is scheduled for 12.11.2024. The marriage card has been got verified and the same is genuine. Marriage card submitted by learned counsel for the petitioner in course of hearing is taken on record.

7. I am of the view, article 21 of the Constitution of India, which guarantees the right to life, irrespective of whether he is an accused or under trial, also encompasses the right to dignity of attend once in life time family rituals i.e. right of a father to attend marriage of his son herein. Right to life does not mean mere right to exist but to live with dignity. Such a right cannot be and ought not be curtailed on the ground that father of petitioner father is since an accused pending cases.

8. Petitioner's father is a person with strong family ties and is not a flight risk. Nature of prosecution evidence is mostly all



documentary in nature, which has been seized, and there is no likelihood of tempering with the same.

9. In the premise, I am of the view that, since the date of marriage is not disputed, the father of the petitioner indeed requires to be personally present at the time of marriage of his son. His presence will be crucial to facilitate marriage arrangements of his son and to bless the newlyweds to be and to upkeep his dignity with his family and society.

10. Accordingly, the instant petition is allowed. The petitioner's father Shaitan Singh Rajpurohit is granted the benefit of interim bail for a period of 15 days, upon furnishing bail bonds and sureties to the satisfaction of the Superintendent of District Jail, Sirohi. During this period, father of the petitioner shall remain within the territorial jurisdiction of Sirohi.

11. It is made clear that the instant order shall be applicable qua all the FIR's, the recital of which has been given in the present petition.

12. Furthermore, the Jailor/ Superintendent shall not insist on the insolvency certificate as apart of the condition in the bail bond.

13. The petitioner shall surrender on completion of period of interim bail w.e.f. the date of his release from jail and shall report to the Superintendent of District Jail on or before 5:00 PM on the date of surrender.

14. Pending application, if any, also stands disposed of.

(ARUN MONGA),J

7-Mohan/Sumit

Whether Fit for Reporting: Yes / No