

SUPREME COURT OF INDIA

Vijay Kumar @ Harikishan Baheti

Vs.

State of Rajasthan

S.L.P. (Crl.) No. 1303 of 2004

(Y. K. Sabharwal and D. M. Dharmadhikari JJ.)

08.07.2004

ORDER

1. Leave granted.

2. The appellants have challenged the impugned order of the High Court declining bail to them in F.I.R. No. 238 of 2003, Police Station Muralipura, Jaipur, under Sections 420, 120-B I.P.C. and Section 104, Trade Mark Act, primarily on the ground that two earlier bail applications were rejected on merits looking to the gravity of the offence. The case of the prosecution against the appellants is that they were cheating customers by selling ghee by fabricating labels of other brands. The maximum sentence imposable under the penal provisions is three years. The appellants are in custody since October, 2003. Having regard to the period of their custody and the maximum sentence imposable and considering the allegations of prosecution against the appellants, we are of the view that they deserve to be released on bail.

3. Accordingly, setting aside the impugned order, we direct that the appellants shall be released on bail on their furnishing bail bonds to the satisfaction of the trial court.

4. The appeal is allowed accordingly.