

Application under section 439 of the Criminal Procedure Code, 1973 before the High Court

IN THE HIGH COURT OF
BLAPL No. of

Code No.....

IN THE MATTER OF :

An application under Section 439 of the Criminal Procedure Code, 1973.

And

IN THE MATTER OF :

An application in connection with G.R. Case No.....of.....
arising out of..... P.S. Case No.....on the file of
the learned J.M.F.C.....

And

IN THE MATTER OF:

Sri..... aged about..... years,
S/o..... Village.....
P.O....., P.S.

Dist

(Accused person in custody)

...
Versus

Petitioner

State of

...

Opp. Party

To

The Hon'ble Sri _____ the Chief Justice of the High Court of _____ and His
Lordship's Companion Justice of the said Hon'ble Court.

The humble petition of the
above named petitioner.

MOST RESPECTFULLY SHEWETH :

1. That the petitioner is falsely implicated in G.R. Case No.....corresponding
to..... P.S. Case No.....dated..... under Section 420/395, IPC which is pending in the
Court of learned J.M.F.C.

2. That the FIR story reveals that on _____ one..... @ S/o....
..... of Village..... came to the informant while he was sitting near the village
Mandap and told him that some persons are making money double. He also advised him that to repay his
debt he should arrange some money, which will be doubled by them. On _____ he went to the house
of..... of Village with money along with his younger brother and another
man of his village. The informant and one handed over the money they had brought with
them to the petitioner. About two hours thereafter, Sri reached there with
one..... They handed over a packet to the informant telling it to have contained currency notes.

To instill faith in him, they tore away a portion of the wrapper of the packet through which the informant saw its contents to be appearing like currency notes. On good faith, the informant with his younger brother and..... left the place for their home. The informant further says that the petitioner went away with the Manager. No sooner had they left the house ofthan one who was following them, gave a signal blowing whistle. All on a sudden 8 to 10 persons being armed with *Lathi* and *Bhujali* etc. emerged from darkness and surrounded the informant and others and snatched away the packet containing currency notes from them. The informant further alleged that they also snatched away a gold chain from the neck of the informants younger brother, one two-shell Torch light and Rs. 960/- from his pocket by assaulting him.

3. That the entire allegation against the petitioner is false and baseless. The aforesaid FIR story is a concocted story. Such a false FIR was lodged at the behest of of the same village who had threatened the petitioner to get them arrested in a false case because of personal malice. The petitioner and Sri belong to rival political party and Sri had asked to them to support the present ruling party during the last Panchayat election. The petitioner had refused and supported the rival Congress party. To meet his grudge,instigated the informant and other witnesses to create the story against the petitioner and under the influence of the present ruling party, got the petitioner arrested on the false FIR.

4. That, on the basis of the aforesaid FIR, the police registered the aforesaid case and arrested accused petitioner on _____ and produced him before the learned J.M.F.C The learned J.M.F.C., rejected the bail petition filed by the petitioner and remanded him to the custody.

5. That the petitioner is an innocent illiterate man of the locality and maintaining his livelihood by working as daily labourer. He has had no criminal antecedents. After arrest, the police forcibly got his signature on the plain form and it is reliably learnt that such signed plain form papers obtained from the petitioner, have been used as confession note.

6. That, the petitioner filed a bail petition before the Court of the learned Sessions Judge which was rejected by that Court in Bail Application No /_____ disposed of on..... The petitioner again filed another bail application bearing No before the same learned Sessions Judge..... which was also rejected and dismissed on..... A certified copy of the Bail rejection order of the learned Sessions Judge is enclosed herewith as ANNEXURE-1.

7. That, it is humbly submitted that the incidence took place on _____ at about _____. but very surprisingly the informant lodged an FIR in the..... Police Station on _____ i.e. after lapse of _____ months, though the Police Station is situated at a distance of _____ kms. from the village.

8. That the petitioner is inside the jail custody since _____ and suffering from hypertension and if the petitioner is kept inside the jail custody for further longer period, his physical and mental health will deteriorate to a greater extent.

9. That the petitioner is ready and willing to abide by any terms and conditions of bail as this Hon'ble Court may impose.

10. That the petitioner is the permanent resident of village in the district of and there is no chance of absconding or tampering with the evidence in the event if he is released on bail.

P R A Y E R

The petitioner, therefore, humbly pray that his prayer for bail may kindly be heard and allowed and he may kindly be released on bail on any terms and conditions as may be imposed by this Hon'ble Court in the *bona fide* interest of justice.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

Place :
Date:

By the petitioner through

ADVOCATE

A F F I D A V I T

I Shri aged aboutyears S/o..... residing
At.....PO....., PS.....District.....do hereby solemnly
affirm and state as follows :

1. That I am the Advocate's Clerk and looking after this case being so authorised by the petitioner, to swear this affidavit, on their behalf.
2. That the facts stated above are true to the best of my knowledge and belief and based on record available in my Advocate's office.

Identified by :

DEPONENT

ADVOCATE

C E R T I F I C A T E

Certified that due to non-availability of cartridge paper, this petition has been typed on thick blue paper.

ADVOCATE