HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5589/2020

Kammu Khan S/o Shri Azad Khan Pathan, Aged About 58 Years, By Caste Musalman, R/o Bansi, Police Station And Tehsil Badi Sadari, District Chittorgarh (At Present Lodged In Sub Jail, Nimbahera).

----Petitioner

Versus

State, Through Pp

----Respondent

For Petitioner(s)	:	Mr. S.K. Godara (through VC)
For Complainant(s)	:	Mr. Abhijeet Joshi (through VC)
For Respondent(s)	:	Mr. SK Bhati, PP

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

03/12/2020

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.229/2019 of Police Station Badi Sadari, District Chittorgarh for the offences punishable under Sections 307/34 of IPC and 3/25 Arms Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that after rejection of second bail application of the petitioner, the trial of the case against the petitioner could not be proceeded further on account of Covid-19. It is also submitted that the allegation of firing gunshot is against co-accused Kallu alias Mohsin Khan and not against the petitioner.

Learned Public Prosecutor as well as learned complainant have vehemently opposed the bail application.

Having regard to the totality of the facts and circumstances of the case and taking into consideration the fact that the allegation of firing gunshot is against co-accused Kallu alias Mohsin not against the petitioner, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Kammu Khan S/o Shri Azad Khan Pathan shall be released on bail in connection with FIR No.229/2019of Police Station Badi Sadari, District Chittorgarh provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J

49-Arun/-

RAJASTHAN HIGH COURT
सत्यमेव जयते