HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 7760/2020

Akabar Ali S/o Gulam Kadar, Aged About 33 Years, R/o Nawan, Tehsil And District Hanumangarh, Raj..
(Lodged At Dist. Jail, Hanumangarh).

----Petitioner

Versus

State of Raj., Through PP

----Respondent

For Petitioner(s)	:	Mr. Rajesh Saharan through video calling
For Respondent(s)	:	Mr. Sudhir Tak, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Judgment / Order

30/07/2020

In wake of onslaught of COVID-19, as an abundant caution, hearing of cases shall be only through video conferencing.

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 connection with FIR No.146/2019 of Police Station Hanumangarh Town, District Hanumangarh, for the offences punishable under Section 307, 326, 323, 397, 398 of IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner argued that due to rivalry, petitioner’s name was impleaded later on. Learned counsel for the petitioner further submits that he was not present at the time of occurrence and resided about 80 Km. far from the incident. Statement of injured Adris not supported by statement of Alladita

and Rani. Trial of the case will take time. Therefore, petitioner may be enlarged on bail.

On the contrary, learned Public Prosecutor has opposed the bail application and stated that petitioner is a history-sheeter. During statement of injured Idris, specific allegation of fire by accused- petitioner is mentioned and he was present at the time of occurrence.

In reply, learned counsel for the petitioner stated that fire arm was recovered from other co-accused not from the petitioner.

After thoughtful consideration of the facts and circumstances of the case and looking to the allegations levelled against the petitioner and his previous criminal record, I do not find it a fit case to grant bail to the accused petitioner under Section 439 Cr.P.C., at this stage.

In view of above, the instant bail application filed by the petitioner under Section 439 Cr.P.C. is rejected.

(DEVENDRA KACHHAWAHA),J

59-amit/-

RAJASTHAN HIGH COURT
सत्यमेव जयते