HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous 5th Bail Application No. 8063/2020

Sakhi Mohammad S/o Aziz Khan, Aged About 58 Years, B/c Musalman, R/o Bengati Khurd, Police Station Phalodi, District Jodhpur. (At Present Lodged In Sub Jail Phalodi, Dist. Jodhpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Deepak Menaria (through VC)
For Respondent(s)	:	Mr. S.K. Bhati, PP
		Mr. Pradeep Choudhary for complainant (through VC)

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

03/12/2020

Heard learned counsel for the parties and perused the material available on record.

The petitioner(s) has/have been arrested in FIR No.199/2015 of Police Station Phalodi, District Jodhpur for the offence(s) punishable under Section(s) 147, 148, 447, 323, 307, 302/149 IPC. He/she/they has/have preferred this/these fifth bail application(s) under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that co-accused Jusub son of Ibrahim Khan has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 24.7.2020 while taking into consideration the fact that not a single prosecution witness has been examined

after 13.12.2018. It is further submitted that since allegations against the petitioner are similar to that of co-accused Jusub, the petitioner is also entitled to be enlarged on bail.

Learned Public Prosecutor as well as learned counsel for the complainant have opposed the bail application, however, they too are not in a position to dispute the fact that the case of the petitioner is not distinguishable from that of co-accused Jusub, who has already been enlarged on bail.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the petitioner(s) under Section 439 Cr.P.C.

Accordingly, this/these fifth bail application(s) filed under Section 439 Cr.P.C. is/are allowed and it is directed that petitioner(s) – Sakhi Mohammad S/o Aziz Khan shall be released on bail in connection with FIR No.199/2015 of Police Station Phalodi, District Jodhpur provided he/she/they execute(s) a personal bond in the 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/her/their 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

64-msrathore/-