HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc. Second Bail Application No. 10444/2020

Mahesh Gunpal S/o Shri Rana Ram, Aged About 23 Years, By Caste Meghwal, R/o Meghwalo Ka Bass, Shobhawato Ki Dhani, Chopasani Housing Board Police Station, Jodhpur, District Jodhpur Metro.
(Lodged In Central Jail Jodhpur).

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Sabir Khan (through VC)
For Respondent(s)	:	Mr. S.K. Bhati, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

17/12/2020

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

The petitioner has been arrested in FIR No.121/2019 of Police Station Chopasni Housing Board, District Jodhpur Metro for the offences punishable under Sections 341, 323, 392 and 307/34 IPC. He has preferred this second bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that after rejection of first bail application of the petitioner by this Court, statements of injured – Bhanwar Singh have been recorded before the trial court as PW-1. It is submitted that in the said statements

injured – Bhanwar Singh has improved a lot and from the said statements, it is clear that he has falsely implicated the petitioner in this case.

Learned Public Prosecutor has opposed the bail application of the petitioner and submitted that from the statements of PW-1 injured – Bhanwar Singh, it is clear that he has reiterated the allegations levelled in the complaint by complainant – Shrawan Singh, wherein it is specifically alleged that it is the petitioner, who inflicted knife injury on the chest and other vital part of the body of injured – Bhanwar Singh. It is further submitted that PW-4 complainant – Shrawan Singh has also reiterated the allegations levelled in the FIR.

Having regard to the totality of the facts and circumstances of the case and looking to the nature of accusation and gravity of the offence, without expressing any opinion on the merits of the case, I am not inclined to grant bail under Section 439 Cr.P.C. to the petitioner.

Accordingly, this second bail application preferred by the petitioner under Section 439 Cr.P.C. is rejected.

RAJASTHAN HIGH COURT
सत्यमेव जयते

(VIJAY BISHNOI),J

Abhishek Kumar
S.No.74