HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 10938/2020

1. Suresh Kumar S/o Sh. Mangi Lal, Aged About 35 Years, R/o Agwari Road, Guda Balotan, P.s. Ahore, District Jalore. (At Present Lodged In District Jail, Jalore).
2. Bharat Kumar S/o Shri Mangi Lal, Aged About 36 Years, R/o Agwari Road, Guda Balotan, P.s. Ahore, District Jalore. (At Present Lodged In District Jail, Jalore).
3. Praveen Kumar S/o Sh. Mangi Lal, Aged About 39 Years, R/o Agwari Road, Guda Balotan, P.s. Ahore, District Jalore. (At Present Lodged In District Jail, Jalore).

----Petitioners

Versus

State, Through Pp

----Respondent

For Petitioner(s) : Mr. Pradeep Shah, through V.C.
For Respondent(s) : Ms. Rajlaxmi Singh Choudhary, PP.

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

06/10/2020

The petitioners have been arrested in connection with FIR No.73/2020 of Police Station Ahore, District Jalore, for the offence punishable under Sections 147, 148, 323, 450 and 302/149 IPC. They have preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioners through video call does not want to press the bail application on behalf of the petitioner No.2 Bharat Kumar. However, he seeks liberty to file fresh bail application after recording the statement of Smt. Leela Devi.

Hence, the bail application on behalf of petitioner No.2 Bharat Kumar is hereby dismissed as not pressed with liberty as prayed for. Trial Court is directed to record the statement of Smt. Leela Devi as early as possible.

So far as the petitioners No.1 Suresh Kumar and No.3 Praveen Kumar are concerned, counsel for the petitioners submits similarly situated co-accused Jagram, Smt. Rambha Devi and Mangi Lal have enlarged on bail and the case of the present petitioner is similar to that of the co-accused. He further submits that there are cross cases between the parties and the challan of the case has already been presented. Therefore, the benefit of bail should be granted to the accused-petitioners No.1 Suresh Kumar and No.3 Praveen Kumar.

Learned Public Prosecutor vehemently opposed the bail application filed by the counsel for the petitioners.

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 accused petitioners No.1 Suresh Kumar and No.3 Praveen Kumar under Section 439 Cr.P.C.

Accordingly, the bail application filed under Sec.439 Cr.P.C. is partly allowed and it is directed that petitioners No.1 Suresh Kumar S/o Shri Mangi Lal and No.3 Praveen Kumar S/o Shri Mangi Lal shall be released on bail in connection with FIR No.73/2020 of Police Station Ahore, District Jalore, provided they execute a personal bond in a sum of Rs.1,00,000/- each with two sound and solvent surety of Rs.50,000/- each to the satisfaction of learned trial court for 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.

(MANOJ KUMAR GARG),J

46-Ishan/-