HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 11365/2020

1. Rajendra @ Raju S/o Bhanwarlal Gurjar, Aged About 30 Years, R/o Village Date P.s. Gangrar Distt. Chittorgarh (Presently Lodged At Distt. Jail Chittorgarh)
2. Bheru S/o Nana Gurjar, Aged About 30 Years, R/o Village Date P.s. Gangrar Distt. Chittorgarh (Presently Lodged At Distt. Jail Chittorgarh)
3. Madan @ Kana S/o Gopilal Gurjar, Aged About 22 Years, R/o Village Date P.s. Gangrar Distt. Chittorgarh (Presently Lodged At Distt. Jail Chittorgarh)
4. Sonu Gurjar S/o Kishan Gurjar, Aged About 22 Years, R/o Village Date P.s. Gangrar Distt. Chittorgarh (Presently Lodged At Distt. Jail Chittorgarh)

----Petitioners

Versus

State, Through Pp

----Respondent

For Petitioner(s) : Mr. U.K. Vyas through video conferencing on ` Cisco Webex' app/whatsapp

For Respondent(s) : Mr. Shrawan Bishnoi, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

21/10/2020

Lawyers are not appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona virus (COVID-19).

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners who are in custody in connection with F.I.R. No.320/2020, Police Station Gangrar

Chittorgarh, District Chittorgarh for the offences under Sections 379, 341, 323, 34 & 308 of I.P.C.

Heard learned counsel for the petitioners & learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioners submits that he does not want to press the bail application qua the petitioner Nos. 1, 3 & 4 i.e. Rajendra @ Raju S/o Bhanwarlal Gurjar, Madan @ Kana S/o Gopilal Gurjar & Sonu Gurjar S/o Kishan Gurjar, at this stage, however, seeks liberty to file fresh bail application after filing of the charge-sheet.

Accordingly, the bail application qua petitioner Nos. 1, 3 & 4 is dismissed as not pressed with liberty as prayed for.

So far as petitioner No.2- Bheru S/o Nana Gurjar is concerned, it is submitted by the learned counsel for the petitioner that the incident occurred after a heated altercation between the petitioner and the complainant on a trivial issue with respect to excavation of soil. He further submits that there are cross cases between the parties and the injuries suffered by Prakash Chand & Modi Ram are though grievous in nature but not dangerous to life and are on non-vital parts. Therefore, it is prayed that the petitioner No.2 may be enlarged on bail.

Learned Public Prosecutor opposes the bail application.

Having regard to the facts and circumstances of the case as also the present situation of the country due to pandemic of corona virus (COVID-19), in particular the jails, this Court is of the opinion that the bail application filed by the petitioner (Bheru S/o Nana Gurjar) deserves to be accepted.

Consequently, the present bail application qua petitioner No.2 - Bheru S/o Nana Gurjar is allowed. It is ordered that the accused-Petitioner No.2- **Bheru S/o Nana Gurjar** arrested in connection with F.I.R. No.320/2020, Police Station Gangrar Chittorgarh, shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) with two sureties of Rs.25,000/- (Rupees: Twenty Five Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

RAJASTHAN HIGH COURT

(VINIT KUMAR MATHUR),J

36-/VivekM/-

सत्यमेव जयते