HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12840/2020

1. Mitthu Singh S/o Shri Shanti Lal, Aged About 21 Years,
2. Gautam S/o Shri Kalu Singh, Aged About 39 Years,
3. Devi Lal S/o Badri Lal, Aged About 38 Years,

All are residents of Rawatpura, Police Station Badi Sadari, District Chittorgarh.

(At Present Lodged In Sub Jail Nimbahera, District Chittorgarh).

----Petitioners

Versus

State of Raj., Through P.P.

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 13359/2020

1. Kishan Lal S/o Shri Jagannath, Aged About 40 Years,
2. Narayan S/o Shri Bheru Singh, Aged About 41 Years,
3. Nanu Ram S/o Shri Bheru Singh, Aged About 50 Years,
4. Gopal @ Gopi Lal S/o Shri Shankar Lal, Aged About 32 Years,

All residents of Rawatpura, Police Station Badi Sadari, District Chittorgarh.

(At Present Lodged In Sub Jail Nimbahera, District Chittorgarh).

----Petitioners

Versus

State of Rajasthan, Through P.P.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 13360/2020

1. Kalu S/o Shri Jagannath, Aged About 26 Years,
2. Kailash Chand S/o Pyarji, Aged About 35 Years,
3. Bhanwar Lal S/o Shri Badri, Aged About 60 Years,
4. Bheru Lal S/o Shri Kailash Chandra, Aged About 21 Years,

All residents of Rawatpura, Police Station Badi Sadari, District Chittorgarh.

(At Present Lodged In Sub Jail Nimbahera, District Chittorgarh).

----Petitioners

Versus

State of Raj., Through P.P.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 13361/2020

Basanti Bai W/o Shri Kishan Lal, Aged About 42 Years, residents of Rawatpura, Police Station Badi Sadari, District Chittorgarh.
(At Present Lodged In Sub Jail Nimbahera, District Chittorgarh).

----Petitioner

Versus

State of Raj., Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Shree Kant Verma through VC
For Respondent(s)	:	Mr. Farzand Ali, GA-cum-AAG assisted by Mr. Abhishek Purohit Mr. Gaurav Singh, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Judgment / Order

04/12/2020

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody in connection with F.I.R. No.256/2020, Police Station Badi Sadri, District Chittorgarh, registered for the offence under Sections 147, 148, 149, 342, 332, 353, 336, 307, 394/149, of IPC and Section 4/25 of Arms Act.

Heard and considered the arguments advanced by the learned counsel for the petitioner through video conferencing and learned GA-cum-AAG assisted by Mr. Abhishek Purohit as well as learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioners appearing through video calling stated that there is no specific allegation against the

petitioners; specific allegation is against co-accused Rameshwar Lal; no injury is grievous in nature which is sufficient for offense under Section 307 of IPC. With these submissions, learned counsel for the petitioners prayed that the benefit of bail may be granted to the accused-petitioners.

Per contra, learned GA-cum-AAG assisted by Mr. Abhishek Purohit stated that three police persons were injured by accused-petitioners. He further stated that expert opinion is still awaited and opposed the bail application of the accused-petitioner.

In pursuance of earlier order of this Court dated 02.12.2020, learned GA-cum-AAG submits application along with affidavit seeking exemption of personal appearance of Superintendent of Police, Chittorgarh and stated that since this is election time and he is incharge of the team parties, who has to proceed for election duties today. Therefore, he is not able to appear before this Court and prayed that his personal appearance may be exempted. He further stated that in compliance of earlier order dated 02.12.2020, enquiry has already been initiated.

Looking to the fact that since it is an election time, application seeking exemption of personal appearance of Superintendent of Police, Chittorgarh is allowed and he is exempted from personal appearance.

Having regard to the facts and circumstances of the case, particularly to the fact that expert opinion is still awaited and injury report is dated 25.10.2020; there is no sufficient reason as to why expert opinion is not taken till today, petitioners are behind the bars and the trial will take sufficiently long time, therefore, without expressing any opinion on the merits/demerits of the

case, this Court is of the opinion that the bail application filed by the petitioners deserves to be accepted.

Consequently, the bail application is allowed. It is ordered that the accused-petitioners No.1. - Mitthu Singh S/o Shri Shanti Lal, 2. Gautam S/o Shri Kalu Singh, 3. Devi Lal S/o Badri Lal, 4. Kishan Lal S/o Shri Jagannath, 5. Narayan S/o Shri Bheru Singh, 6. Nanu Ram S/o Shri Bheru Singh, 7. Gopal @ Gopi Lal S/o Shri Shankar Lal, 8. Kalu S/o Shri Jagannath, 9. Kailash Chand S/o Pyarji, 10. Bhanwar Lal S/o Shri Badri, 11. Bheru Lal S/o Shri Kailash Chandra, 12. Basanti Bai W/o Shri Kishan Lal arrested in connection with F.I.R. No.256/2020, Police Station Badi Sadri, District Chittorgarh, shall be released on bail provided each of them furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- 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.

(DEVENDRA KACHHAWAHA),J

72-75/amit/-

RAJASTHAN HIGH COURT
सत्यमेव जयते