HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13837/2020

1. Lakshman S/o Kamji, Aged About 27 Years, R/o.Fala Som, Police Station Phalasiya, District Udaipur (Rajasthan).
2. Manna Lal @ Manoj S/o Prabhu Lal, Aged About 20 Years, R/o.Sarvan, Police Station Panarwa, District Udaipur (Rajasthan).
3. Mohan S/o Dhanji, Aged About 26 Years, R/o.Sarvan, Police Station - Panarwa, District Udaipur (Rajasthan).
4. Dita Ram @ Govind S/o Halu, Aged About 24 Years, R/o.Sarvan, Police Station - Panarwa, District Udaipur (Rajasthan).
5. Ramesh S/o Manji, Aged About 25 Years, R/o.Som, Police Station Phalasiya, District Udaipur (Rajasthan).

(Presently Lodged In Central Jail, Udaipur).

----Petitioners

Versus

State Of Rajasthan, Through P.p.

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 13839/2020

1. Ramesh Chandra S/o Shri Bheem Raj, Aged About 25 Years, R/o.Som, Police Station Falasiya, District Udaipur.
2. Laxman Lal S/o Kamji, Aged About 30 Years, R/o.Fala Som, Police Station Falasiya, District Udaipur.

(At Present Lodged In Central Jail Udaipur).

----Petitioners

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Rajendra Singh Rathore & Mr. Ram Singh Rawal through Video Conferencing on Cisco Webex Application
For Respondent(s)	:	Mr. Mohd. Javed Gauri, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

01/12/2020

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).

Both the aforesaid bail applications shall stand decided by this common order as they arise out of the same F.I.R.

At the outset, learned counsel for the petitioner Laxman Lal S/o Kamji (S.B. Criminal Miscellaneous Bail Application No. 13839/2020) submits that he does not want to press the present bail application qua the petitioner No.2 Laxman Lal S/o Kamji as the bail application on his behalf has already been filed.

Accordingly, the bail application qua the petitioner No.2 Laxman Lal S/o Kamji in S.B. Criminal Miscellaneous Bail Application No. 13839/2020 is dismissed as not pressed.

The present bail applications have been filed under Section 439 of Cr.P.C. on behalf of the petitioners who are in custody in connection with F.I.R. No. 138/2018, Police Station Phalasiya, District Udaipur for the offences under Sections 365, 302, 396, 201 and 120-B of IPC.

Heard learned counsel for the petitioners and learned public prosecutor.

I have gone through the order impugned & pleadings in the bail applications.

Learned counsel for the petitioners submit that the co-accused Kanti Lal has already been released on bail by this Court vide order dated 06/11/2020 and the case of the present petitioners are not distinguishable from the case of the co-accused who has already been released on bail by this Court.

The learned Public Prosecutor opposes the bail application but he is unable to distinguish the case of the present petitioners vis-a-vis the case of the co-accused persons who have been enlarged on bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and considering the fact that the case of the present petitioner is identical to co-accused aforesaid who have been enlarged on bail by this Court and also considering the peculiar circumstances prevailing in the country due to the pandemic of COVID-19, this Court is of the opinion that the petitioner is also entitled for the grant of bail under Section 439 Cr.P.C.

Consequently, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is ordered that the accused-petitioners (1) Lakshman S/o Kamji, (2) Manna Lal @ Manoj S/o Prabhu Lal, (3) Mohan S/o Dhanji, (4) Dita Ram @ Govind S/o Halu, (5) Ramesh S/o Manji & (6) Ramesh Chandra S/o Shri Bheem Raj arrested in connection with F.I.R. No. 138/2018, Police Station Phalasiya, District Udaipur shall be released on bail provided each of them 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.

(VINIT KUMAR MATHUR),J

46-SanjayS/-

RAJASTHAN HIGH COURT
सत्यमेव जयते