HIGH COURT OF JUDICATURE FOR RAJASTHAN

JODHPUR

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S.B. Criminal Misc. Bail Application No. 14809/2020.

Kanuram S/o Shri Bhiyaram, aged about 19 years, R/o Village Gangapur, Police Station Gajner, District Bikaner.

(Presently lodged at District Jail, Bikaner).

----Petitioner

Versus

State of Rajasthan through PP

----Respondent

Connected with

S.B. Criminal Misc.Bail Application No.14811/2020.

Pratap Singh S/o Shri Umag Singh, aged about 19 years, R/o Village Hadla, presently reside at Ward No. 8, Kolayat, Police Station Kolayat, District Bikaner.

(Presently lodged at District Jail, Bikaner).

----Petitioner

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s) : Mr. Manish Dadhich through VC.
For Respondent(s) : Mr. Mukhtiyar Khan, PP.

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order

18/12/2020

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. 219/2020, Police Station Kolayat, District Bikaner, registered for the

offences under Sections 295, 295-A, 153-A, 435, 436 & 34 of the Indian Penal Code and Section 3 of the PDPP Act.

Learned counsel appearing for the petitioners through video conferencing stated that the offences are triable by the Magistrate; that the accused-petitioners have no previous criminal record; that the names of the petitioners have not been mentioned initially in the First Information Report (FIR); that both the accused-petitioners have wrongly been implicated in this case during the course of trial; and that further trial will take time, therefore, benefit of bail may be granted to the present accused-petitioners.

Per contra, learned Public Prosecutor opposed the bail application of the accused-petitioners.

Heard and considered the arguments advanced by the learned counsel appearing for the petitioners through video conferencing and learned Public Prosecutor, present-in-person. Perused the material available on record.

Having regard to the facts and circumstances of the case, particularly to the facts that the offences are triable by the First Class Magistrate; that as per the rejection order itself, there is no previous criminal record of the present accused-petitioners; that initially, the names of the petitioners were not mentioned in the FIR; and that further 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 filed under Section 439 Cr.P.C. is allowed. It is ordered that the accused-petitioners, (1) Kanuram S/o Bhiyaram and (2) Pratap Singh S/o Umag Singh, both arrested in connection with F.I.R. No. 219/2020, Police Station Kolayat, District Bikaner, 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

C-2 & 3-Mohan/-