

Date of Decision: 27.08.2024

...Respondent



3. It has been pleaded by the petitioner that the petitioner was not initially named in the FIR and has been nominated as an accused without any incriminating evidence. Even at the time of arrest, no identification parade was conducted and the petitioner has been involved in a serious crime without any evidence against him. It has further pleaded that the petitioner was arrested in the present case on 21.12.2023 and is in custody for the last more than 08 months. The challan has already been presented before the Court and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently contested the submissions by arguing that the petitioner is involved in a serious crime and has caused two injuries on the person of the injured in the present case. However, he could not dispute the fact that the petitioner is in custody for the last more than 08 months and no witness has been examined, so far. He also could not dispute the fact that no other case was registered against the petitioner.

5. I have heard the learned State counsel and perused the record.

6. In the present case, the injured has already been discharged from the hospital. Apart from that, the petitioner has undergone more than 08 months of custody and since no witness has been examined so far, there are no chances of early conclusion of the trial. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty



Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

27.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No