





Dinesh son of Malkhan, Satish son of Lakhi Ram, Surender son of Surat Singh, Dhirender son of Bhup Singh and Bhup Singh son of Duli Chand were named as assailants in the present case alongwith the present petitioner. However, during the course of investigation, all the said accused were found to be innocent and this fact alone would clearly prove that the most of the allegations levelled by the complainant were found false in the present case. Learned counsel further contends that the final report under Section 173 Cr.P.C. has already been presented against the petitioner and the trial is not likely to conclude in near future.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the petitioner and the petitioner is the main accused and does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully with their able assistance.

5. In the present case, whether the offence under Section 307 IPC is made out or not is the subject matter of adjudication before the trial Court and both the parties are yet to lead evidence in support of their respective contentions. The petitioner was arrested in the present case on 10.09.2024 and is in custody since then. Even the challan has already been presented against him and no purpose will be served by keeping the petitioner behind bars.

6. 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.*

18.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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