HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 10592/2024

Dilip Singh @ Kanu Bana S/o Arvind Singh, R/o Rajput Mohalla Neemola, Police Station Khatoli, District Kota Gramin, Presently Tenant At Shivpura, Police Station Dadabari, Kota (Raj.). (Presently Confined At Central Jail Kota).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Application No. 652/2024

As@s S/o Shri Abdul Wahid,

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 14815/2024

Mohammed Majid S/o Mohammed Shakeel, R/o Near Pani Ki Tanki, Behind Future Group Anantpura Thana Anantpura Kota. (At Present Confined At Central Jail Kota).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Hari Ram Gurjar Mr. Abdul Kalam Khan
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Buddhi Prakash Meena

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HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

05/12/2024

S.B. Criminal Miscellaneous Application No. 652/2024:

1. Learned Public Prosecutor requests for time to file appropriate reply.

2. List on 18.12.2024.

S.B. Criminal Miscellaneous Bail Application No. 10592/2024 and S.B. Criminal Miscellaneous Bail Application No. 14815/2024:

1. These two bail applications were preferred by petitioners Dilip Singh and Mohd. Majid in a matter arising out of FIR No.142/2024 dated 08.06.2024 registered at P.S. Dadabari, Dist. Kota City for offence under Sections 143, 147, 148, 149, 341, 307 and 120B IPC.

2. Learned counsel appearing for Mr. Mohd. Majid submitted that this applicant is an innocent person and he was falsely implicated by police. He also submitted that applicant was neither named in the FIR nor by any of the eye-witness or injured for involvement in the incident. He also submitted that there is no call detail to implicate present petitioner for act of conspiracy. He also submitted that the investigation is concluded and during investigation, the police has recovered a car used in the incident which belongs to present petitioner. He also submitted that his car was borrowed by one of the accused due to friendship and only because of use of car by co-accused, present petitioner was arrayed as an accused. He also submitted that there were 7 cases against present petitioner but in the instant case, present petitioner was not involved in any manner. He also submitted that there were 24 criminal cases against the complainant and by using political influence he got transferred himself to open jail. At last,

he submitted that charge-sheet has been filed and disposal of criminal case will take its own time.

3. Learned counsel appearing on behalf of Dilip Singh submitted that accused was not named in the FIR but only due to name in the statement of one or two witnesses, the petitioner was implicated by the police. He also submitted that the main reason for involvement was acquaintance with main accused. He also submitted that there is no evidence to justify involvement of present petitioner. He also submitted that the case registered against present petitioner were only up to 2021 and in all 7 cases, the petitioner is on bail. At last, he submitted that investigation is complete and charge-sheet has been filed.

4. Aforesaid contentions were opposed by learned Public Prosecutor and learned counsel for complainant. Learned Public Prosecutor has submitted that Dilip Singh was identified in test identification parade. Learned counsel for complainant submitted that there were 6 injuries upon the injured who was in custody undergoing sentence awarded by the trial court. He also submitted that some of the injuries are dangerous to life and doctor has specifically opined about injuries. He also submitted that a knife was recovered from Dilip Singh and his involvement was established from the evidence on record. At last, he submitted that both the accused were having criminal cases against them, therefore they are entitled to be released on bail.

5. Heard learned counsel for parties along with learned Public Prosecutor. Perused the record.

6. On the basis of statement of injured Niamat @ Shani s/o Liyakat, who was in custody in open prison, alleging deadly

assault at 7.00 A.M. by fire arm and sharp edged weapon, FIR No.140/2021 was registered at P.S. Dadabari, Dist. Kota City. During investigation, police has found that accused Mohd. Majid has provided Honda City Car to master mind Shiraj and also played vital role while supporting him for the incident. The police has recovered Honda City Car No. UP80DB0757 at the instance of present accused Mohd. Majid. During investigation it has come to notice that accused Dilip Singh was also involved in the incident and after Test Identification Parade (TIP), the knife was recovered on the basis of his information.

7. The investigation report submitted by police has pointed out that brother of Shiraj was murdered in 2023 and FIR No.133/2023 under Section 302 IPC was registered and Shiraj suspected that the murder was committed in pursuant to conspiracy by Niyamat @ Shani, who is in custody. Thereafter Shiraj @ Chiga hatched a conspiracy with Majid (present applicant) and Raees Malya, to assault Niyamat.

8. Having considered the report of police, it is clear that Mohd. Majid was charged with conspiracy for involvement in the entire incident. Dilip Singh is charges for direct involvement and test identification parade is also conducted wherein he was identified.

9. Looking to involvement of both the petitioners, I am of considered view that this is not a fit case wherein both the petitioners be released on bail on the grounds as raised by learned counsel for petitioners. There are 7 cases each besides present one against both the petitioner, thus both the applicants have criminal antecedents.

10. Looking to the facts and circumstances, the petitioners are not entitled to be released on bail.

11. Accordingly, bail applications of both the petitioners Dilip Singh @ Kanu Bana S/o Arvind Singh and Mohammed Majid S/o Mohammed Shakeel are hereby dismissed.

12. Misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J

PREETI VALECHA /04-06