HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 10537/2024

Rajkumar @ Raju S/o Shri Leelaram, Aged About 38 Years, R/o Sewala, Police Station Lakhanpur, District Bharatpur (Rajasthan) (At Present Confined In District Jail, Bharatpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 11449/2024

Divyapal Singh S/o Shri Nareshpal Singh, Aged About 34 Years, R/o Rajmahal Garden, Station Road, Bajariya, Police Station Kotwali, Bharatpur (Raj.). (Presently Confined At Central Jail Sewar, Bharatpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 11772/2024

Satish S/o Nawab Singh, Aged About 60 Years, R/o Village Awar, Police Station Kumher, District Deeg (Rajasthan) At Present Ranibag, Police Station Udhyog Nagar, District Bharatpur, Rajasthan. (At Present Confined In Central Jail, Bharatpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 13425/2024

Akram S/o Munna Khan, R/o Ramsingh Ka Nagla, P.s. Kotwali, Bharatpur (Raj.) (Accused Petitioner Presently Confined In Central Jail Sewar, Bharatpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Abhishek Jhingonia with Mr. Kapil Gupta Mr. Anurodh Chaturvedi Mr. Ravinder Singh Fauzdar
For Respondent(s)	:	Mr. M.S. Shekhawat, PP Mr. Vinod Kumar Sharma

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

12/12/2024

1. These instant bail applications have been filed under Section 483 of BNSS., on behalf of the petitioners, who have been arrested in connection with FIR No.53/2024 registered at Police Station Kotwali Bharatpur, District Bharatpur (Raj.) for the offences punishable under Sections 302 & 364 of IPC. Later on, police filed charge-sheet for the offences punishable under Sections 302, 201 & 147 of IPC.

2. It is contended by learned counsel for the petitioners that the accused-petitioners have falsely been implicated in this case. Learned counsel submit that the petitioners are not named in FIR. They submit that according to the prosecution case, alleged incident took place on 5/6 of December 2023 & on 07.12.2023 proceedings were initiated against them under Section 174 Cr.P.C. wherein it was found that deceased died on account of falling down. Thereafter, on 10.01.2024 a criminal complaint was submitted before the concerned Magistrate and same was sent to the Police Station for registration of FIR and on 29.01.2024 impugned FIR was registered for the offence punishable under Section 302 & 364 IPC wherein after investigation police submitted charge-sheet against the petitioners including three other persons for the offences punishable under Sections 302, 201 & 147 of IPC. It is submitted that impugned FIR was registered on the basis of information furnished by one Pawan Kumar. The statement of said Pawan Kumar was recorded under Section 161

Cr.P.C. on 06.06.2024 wherein he stated that he and deceased was beaten up by 5-6 persons and entire incident was disclosed by him to the family members of the deceased. Counsel submit that it was also mentioned by the said Pawan Kumar that he can identify the said persons but surprisingly, prior to the statement of Pawan Kumar, arrest of the petitioners have been made on 02.06.2024. Thus, there is a possibility that the statement given by said witness-Pawan Kumar is afterthought or concocted one & is not true. Charge-sheet has been filed & trial of the case will take considerable time. Further custody of the petitioners would not serve any fruitful purpose.

3. Learned Public Prosecutor assisted by learned counsel for complainant vehemently opposes the submissions made by learned counsel for the petitioners. They submit that Pawan Kumar who is the eye-witness of the incident has clearly stated that petitioners are involved in the commission of offence.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced at bar as also looking to the date of arrest i.e., 02.06.2024 & the statement of the aforesaid witness which was recorded on 06.06.2024; delay in lodging the report; charge sheet has been filed & the period of custody, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail applications. The observations made hereinabove is only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

6. These bail applications are accordingly allowed and it is directed that accused-petitioners – **1) Rajkumar @ Raju S/o Shri Leelaram, 2) Divyapal Singh S/o Shri Nareshpal Singh, 3) Satish S/o Nawab Singh & 4) Akram S/o Munna Khan** shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that they shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN /120-123