HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 15341/2024

1. Shivji S/o Shri Badri, R/o Patan, Police Station Tunga, District Jaipur.
2. Pappu S/o Shri Badri, R/o Patan, Police Station Tunga, District Jaipur.
3. Dholi W/o Shri Rakesh, R/o Patan, Police Station Tunga, District Jaipur.

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Ram Ratan Gurjar
For Respondent(s)	:	Mr. S.R. Dhakar, PP
For Complainant(s)	:	Mr. Narendra Prasad Meena

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

18/12/2024

1. Apprehending their arrest in connection with FIR No.88/2024 registered at Police Station Tunga, District Jaipur City (East) for the offence(s) under Sections 143, 323, 341, 307, 379 & 427 of IPC, the petitioners have preferred this anticipatory bail application under Section 482 B.N.S.S.

2. Learned counsel for the petitioners submits that petitioners have falsely been implicated for offences under Sections 323, 341, 147, 149, 379, 307 and 427 of IPC. He further submits that it is a case of over implication and all the family members of the petitioners have been named as an accused. It is contended that the injuries sustained to injured Kali Devi and Radha Devi are not

specifically attributed to the petitioners and the said injuries are attributed to Chintamony and Raju @ Sohanlal. It is also contended that the said injuries were found to be grievous in nature but not opined as dangerous to life. It is also contended that the matter was investigated twice and police has proposed the charge-sheet against Shanker Yogi, Dilkhus Yogi and Ballu for offences under Sections 143, 323, 341, 307, 379 and 427 of IPC and the matter was kept pending investigation under Section 173(8) of Cr.P.C. against the petitioners and other co-accused. It is also contended that the police did not find commission of offence against Chintamony, Sohanlal, Rakesh, Kaluram @ Omprakash, Laalu, Jiyalal, Banwari, Rinku, Bunty, Chota Devi, Manju Devi, Kamli, Rajanti W/o Nandram, Rajanti W/o Pappu, Sohan Lal S/o Shivji, Suman and Hansa. It is also contended that custodial investigation of the petitioners is not required and they are ready and willing to co-operate in the investigation. It is also contended that petitioner No.1 is an old man aged about 65 years. Similarly, petitioner No.3 has delivered a baby child recently, therefore, the anticipatory bail application of the petitioners may be allowed.

3. Learned Public Prosecutor as well as learned counsel for the respondent vehemently oppose the anticipatory bail application. Learned Public Prosecutor has submitted the factual report dated 06.12.2024, the same is taken on record.

4. Learned counsel for the respondent submits that the name of all the petitioners are specifically mentioned in the FIR. It is contended that all the witnesses have stated in their statements

that the petitioners were present along with other co-accused and assaulted Kali Devi, Vidya Devi and Radha Devi. Due to injuries caused by the petitioners and other co-accused, Vidya Devi and Kali Devi have sustained grievous injuries at their foreheads and the other injured also sustained injuries, therefore, considering the above facts, the anticipatory bail application of the petitioners deserves to be dismissed.

5. Heard and perused the material available on record.

6. The factual report shows that the charge-sheet has already been filed against the other co-accused i.e. Shanker Yogi, Dilkhus Yogi and Ballu Jogi. The factual report also shows that initially the matter was kept pending under Section 173(8) of Cr.P.C. against all the other named accused in the FIR, later on, the police has found involvement of the present petitioners in the alleged crime. The injuries sustained to Kali Devi, Vidya Devi and Radha Devi were found to be grievous in nature. In the statement recorded under Section 161 Cr.P.C., Radha Devi has categorically attributed her injury at forehead to accused Raju @ Sohanlal. Similarly, in the statement recorded under Section 161 Cr.P.C. Vidya Devi has attributed her injuries to Chintamony and against accused Chintamony, police has proposed negative final report. The injuries sustained to other injured were found to be simple blunt in nature, therefore, considering the above facts, I deem it just and proper to allow the anticipatory bail application of the present petitioners.

7. Accordingly, the anticipatory bail application under Section 482 B.N.S.S. is allowed and it is ordered that in the event of arrest

of the petitioners namely- **1. Shivji S/o Shri Badri, 2. Pappu S/o Shri Badri, & 3. Dholi W/o Shri Rakesh,** in connection with FIR No.88/2024 registered at Police Station Tunga, District Jaipur City (East), they shall be released on bail, provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to the satisfaction of the S.H.O/I.O/Arresting Officer of the concerned Police Station on the following conditions:-

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners 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 them from disclosing such facts to the court or any police officer, and

(iii) that the petitioners shall not leave India without previous permission of the court.

(PRAVEER BHATNAGAR),J

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