HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 15566/2024

Indal @ Indraraj Son Of Dojya, Aged About 25 Years, Resident Of Village Pahadi, Police Station Kishanganj, At Present Resident Of Govindpura, Police Station Anta, District Baran (Rajasthan) (At Present Confined In District Jail, Baran)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Girish Khandelwal
For Respondent(s)	:	Mr. M.S. Shekhawat, PP Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

17/12/2024

1. The instant bail application has been filed under Section 483 of BNSS on behalf of the petitioner, who has been arrested in connection with FIR No.304/2023 registered at Police Station Anta, District Baran for the offences punishable under Sections 341, 323, 504, 302 & 34 of IPC. Charge-sheet has been filed for offences punishable under Sections 341, 323, 504, 302, 452 & 34 of IPC.

2. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Counsel submits that alleged incident took place at the spur of moment as the deceased Gora Bai and her husband Mumtaj (complainant herein) were quarrelling with the petitioner and his wife over a petty dispute. It is a case of single injury. Learned counsel contends that

complainant as well as other witnesses have been examined during the course of trial. Complainant Mumtaj who has been examined as PW-4 clearly deposed in his cross-examination that when deceased was admitted to hospital, it was not disclosed to the doctor that the injuries sustained to deceased was caused by the beatings but it was disclosed to the doctor that she sustained the injuries due to falling down. He further contends that as per post-mortem report, cause of death is haemorrhagic shock as a result of antemortem splenic injury which is sufficient to cause death in ordinary course. Counsel submits that petitioner is in custody since 13.08.2023. Charge-sheet has been filed in this matter, trial will take considerable time in its conclusion and further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor oppose the submissions made by counsel for the petitioner.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner as also the fact that it is a case of single injury; the incident happened at the spur of moment; charge-sheet has been filed and trial will take considerable time in its conclusion, but without commenting anything on merits and demerits of the case, I deem it proper to allow the bail application.

6. This bail application is accordingly allowed and it is directed that accused-petitioner **Indal @ Indraraj Son Of Dojya,** shall be released on bail provided he 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 he 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

CHARU SONI /66