HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 231/2024

Junjaram S/o Shri Gorkharam, Aged About 19 Years, R/o Miyalal Ki Beri, Kekar, P.S. Sedwa, Dist. Barmer. (Presently Lodged In Dist. Jail Barmer).

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Hanuman Ram S/o Shri Jogaram Jat, R/o Miyali Ki Beri, Kekar, Sedwa, Dist. Barmer.

----Respondents

For Petitioner(s) : Mr. Surendra Bagmalani
For Respondent(s) : Mr. A.R. Choudhary, PP
Mr. Suresh Nehra

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/02/2024

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 439 Cr.P.C. at the instance of accused- petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	151/2023
2.	Concerned Police Station	Sedwa
3.	District	Barmer
4.	Offences alleged in the FIR	Under Sections 341, 323, 427 and 34 of the IPC
5.	Offences added, if any	Under Section 326 of the IPC
6.	Date of passing of impugned order	04.01.2024

2. It is contended on behalf of the accused-petitioner that the offences alleged are triable by a Court of magistrate. No case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-petitioner and he has been made accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioners, learned Public Prosecutor as well as learned counsel for the complainant oppose the bail application and submit that the present case is not fit for enlargement of accused on bail.

4. I have considered the submissions made by both the parties and have perused the material available on record. The offences alleged are triable by a Court of Magistrate. After investigation, challan has been filed. This Court has elaborately dealt with the bail jurisprudence pertaining to offences which are triable by a court of Magistrate and has passed a detailed order in **Dharmendra vs. State of Rajasthan** (S.B. Criminal Miscellaneous Bail Application No.11530/2023) vide order dated 07.10.2023. In view of the deliberation and enunciation made therein and since there is high probability that the trial may take long time to conclude, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

6. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner

as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

61-Ashutosh/-