HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2717/2024

Mukesh S/o Shri Dadu Ram, Aged About 27 Years, R/o Village Pichiyak, Ps Bilara, Dist Jodhpur.

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Javed Hussain
For Respondent(s) : Mr. SK Bhati, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/03/2024

1. The jurisdiction of this court has been invoked by way of filing an application under Section 438 CrPC 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	28/2023
2.	Concerned Police Station	Bilara
3.	District	Jodhpur Rural
4.	Offences alleged in the FIR	Under Section 379 of the IPC
5.	Offences added, if any	-
6.	Date of passing of impugned order	02.02.2024

2. Having apprehension of being arrested in the afore-mentioned matter, the petitioner has prayed for anticipatory bail on the ground that 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

anticipatory bail to the accused-petitioner and he has been made an accused based on conjectures and surmises.

4. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor has opposed the bail application and submitted that the present case is not fit for grant of anticipatory bail.

5. I have considered the submissions made by both the parties and have perused the material available on record. There seems to be a bonfide dispute with regard to sale of a cow. The offence involved in case is triable by a Court of Magistrate. It is not a case where custodial interrogation would be required.

6. Considering the over all facts and circumstances of the case, it is deemed suitable to grant the benefit of anticipatory bail to the petitioners in the present matter. Needless to say, none of the observations made herein under shall affect the rights of either of the parties during trial and this Court refrains from commenting on the niceties of the matter.

7. Accordingly, the instant bail application under Section 438 Cr.P.C. is allowed. The S.H.O/I.O/Arresting Officer of the concerned Police Station is directed that in the event of arrest of the petitioner in connection with the FIR, details of which have been given in tabular form above, he shall be released on bail, provided he 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 petitioner shall make himself

available for interrogation by a police officer as and when required;

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

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

(FARJAND ALI),J

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