HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2446/2024

Prahlad Singh S/o Shri Laxman Singh, Aged About 30 Years, R/o Kachi Basti, Bagwas, Ps Pratapgarh, Dist Pratapgarh. (Lodged In Dist Jail Pratapgarh)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mukesh S/o Khemsingh, R/o Sunehrah, Dist Siwani At Present Branch Manager Satin Credit Care Ltd, Mandsore, Mp.

----Respondents

Connected With

S.B. Criminal Bail Cancellation Application No. 19/2020

Jaipal Thakur S/o Shri Meharban Singh Thakur, Aged About 31 Years, R/o Gharkheda , P.s. Javar , Sihore , Mp

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Poojakanwar W/o Shri Arunsingh Rathore, Aged About 26 Years, R/o Kachchi Basti Bagwas Distt. Pratapgarh

----Respondents

S.B. Criminal Miscellaneous Bail Application No. 3653/2023

Arun Singh S/o Sh. Laxman Singh, Aged About 31 Years, Bachi Basti, Bagwas, Pratapgarh, Dist. Pratapgarh. (Presently Lodged In Dist. Jail, Pratapgarh).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Vijay Kumar Gaur
For Respondent(s)	:	Mr. Rajesh Bhati, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

03/12/2024

In S.B. Criminal Misc. Bail Applications No. 2446/2024 & 3653/2023:-

1. The petitioners have been arrested in connection with FIR No.401/2019 of Police Station, Pratapgarh, District Pratapgarh for the offences punishable under Sections 302, 397, 201, 34 and 120-B of IPC. They have preferred these bail applications under Section 439 Cr.P.C.

2. Learned counsel for the petitioner does not want to press the bail application bearing S.B. Criminal Misc. Bail Application No. 3653/2023 of accused-petitioner Arjun Singh.

3. Accordingly, **the bail application bearing no.3653/2023** of accused-petitioner **Arjun Singh** is **dismissed** as not pressed.

4. As regards, accused petitioner Prahlad Singh is concerned, learned counsel submits that on 23.09.2019, the complainant-Mukesh Thakur lodged a missing person's report (M.P.R.) bearing no. 31/2019 at Police Station, Pratapgar, stating therein that the complainant and the deceased-Rohit Thakur were the employees of Satish Credit Care Ltd. And that, on 17.09.2019, they went to Pratapgarh for the purpose of collection of certain installments; thereafter, the deceased Rohit Thakur went missing from some place between Pratapgarh bus stand and Indra colony. After the filing of the M.P.R., the concerned police authorities upon investigation, recovered the motorcycle of the deceased-Rohit Thakur from the house of one Gattu Kanwar, the maternal aunt of the accused-petitioner and a memo of recovery was accordingly prepared.

4.1. Thereafter, the complainant-Mukesh Thakur lodged the impugned F.I.R. against three persons, namely Puja Kanwar, Arun Singh, and Prahlad Singh. That on the same day, the concerned

police authorities arrested Arun Singh, and upon the information received from him, the dead body of the deceased-Rohit Thakur was recovered. Thereafter, during the course of the investigation, the other accused, including Prahlad Singh, were arrested on 25.09.2019, and upon receipt of information from them, under Section 27 of the Indian Evidence Act, the place of the incident and recoveries were verified by the concerned police authorities

5. Learned counsel for the petitioner submits that deceased's body was recovered at the instance of Arun Singh. He further submits that the initial arrest was also of Arun Singh. He further submits that the initial story of the prosecution is that Arun Singh strangulated the deceased.

5.1 Learned counsel emphasizes that the postmortem report conclusively indicates death by strangulation and asphyxia.

5.2 Learned counsel distinguishes the role of Arun Singh and Prahald Singh, submitting that Arun Singh faces a direct allegation of strangulation, whereas Prahlad Singh has no direct allegations attributed to him.

5.3 Learned counsel further submits that due to the passage of time, there has been a change in circumstances since the Court rejected Prahlad Singh's bail on 25.11.2022, with almost two years having elapsed. He additionally submits that the extended period of custody is a ground for granting bail to Prahlad Singh.

5.4. Learned counsel also submits that co-accused Poojakanwar and Kesar Kunwar have already been granted bail by a coordinate Bench of this Hon’ble Court vide order dated 19.05.2020 and

21.07.2020 passed in S.B. Criminal Misc. Bail Application No.4554/2020 and 6170/2020 respectively.

6. Learned Public Prosecutor opposes the bail application of Prahlad Singh.

7. This Court, after careful consideration of Prahlad Singh's role, particularly the recovery of the spade, the direct allegation of strangulation against Arun Singh, and the extended period of custody, and having regard to the totality of the facts and circumstances of the case, and noting that the conclusion of the proceedings is likely to take some time, grants bail to the accused petitioner Prahlad Singh under Section 439 of Cr.P.C., without expressing any opinion on the merits of the case.

8. Accordingly, the bail application bearing no.**2446/2024** filed by the accused petitioner **Prahlad Singh** under Section 439 Cr.P.C. is **allowed** and it is directed that petitioner **Prahlad Singh S/o Shri Laxman Singh** shall be released on bail in connection with FIR No.401/2019 of Police Station, Pratapgarh, District Pragapgarh provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

In S.B. Criminal Bail Cancellation Application No. 19/2020:-

1. The present bail cancellation application has been moved by the petitioner seeking cancellation of bail granted to Poojakanwar

in S.B. Criminal Misc. Bail Application No.4554/2020 vide order dated 19.05.2020.

2. This Court finds that the bail application of Poojakanwar, which was granted by a Coordinate Bench of this Hon'ble Court, is well-founded and does not warrant any interference by this Court.

3. In view of the above, the present criminal bail cancellation application is dismissed.

(DR.PUSHPENDRA SINGH BHATI),J

10-12-devrajP/-