HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

1. S.B. Criminal Miscellaneous Bail Application No. 10488/2024

Radheyshyam S/o Rooplal, Aged About 33 Years, R/o Barkhera, Ps Ravatbhata Dist. Chittorgarh. (Lodged In Sub Jail Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

And

2. S.B. Criminal Miscellaneous Bail Application No. 6645/2024

Sangita Mehgwala W/o Sh Radheyshyam Bhil, Aged About 25 Years, R/o Karadiya P.s. Manpura Distt Mandsor, M.p., Present Address Barkheda, P.s. Ravatbhatta Distt Chittorgarh. (Presently Lodged At Sub Jail Chittorgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Umesh Kant Vyas
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

18/12/2024

1. These applications for bail under Section 483 BNSS (Section 439 Cr.P.C.) have been filed by the petitioners who have been arrested in connection with F.I.R. No.83/2021 registered at Police Station Ravatbhatta, District Chittorgarh, for offences under Sections 302, 201, 34 of IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

3. Learned counsel for the petitioners submitted that the petitioners under incarceration in connection with the murder of one -Ajay Kewat. Learned counsel submitted that there is no eye witness of the alleged witness. The petitioners have been implicated in the present case solely on the basis of circumstantial evidence. Learned counsel further submitted that co-accused Bajrang Sen (S.B. Criminal Misc. Bail Application No.1518/2023) has already been enlarged on bail by this Court vide order dated 26.04.2023. Learned counsel submitted that case of the present petitioners is not worse than the case of the above named co-accused Bajrang Sen.

4. Learned counsel for the petitioners further submitted that there is no plausible evidence available with the prosecution except the statements of one Mahaveer recorded under Section 161 Cr.P.C. which could connect the petitioners with the alleged crime. Learned counsel submitted that there is no motive with the present petitioners, thus, the petitioners to commit the alleged crime deserve to be enlarged on bail. Lastly, learned counsel for the petitioners submitted that the petitioners are in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

5. *Per contra*, learned Public Prosecutor has vehemently opposed the bail application, however, he was not in a position to refute the fact that the petitioners are in judicial custody since 24.03.2021 and the co-accused Bajrang Sen has already been enlarged on bail by this Court.

6. Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

7. Consequently, the bail application under Section 483 BNSS (Section 439 Cr.P.C.) is allowed. It is ordered that the accused-petitioners **(1) Radheyshyam S/o Rooplal and (2) Sangita Mehgwala W/o Sh Radheyshyam Bhil** arrested in connection with F.I.R. No.83/2021 registered at Police Station Ravatbhatta, District Chittorgarh, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial Court, for their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

8. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial Court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

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