HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8273/2023

Shambhu Lal S/o Uda Ji, Aged About 55 Years, R/o Bev Ps Ghantali Dist. Pratapgarh (At Present Lodged At Dist. Jail Pratapgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. R.K. Charan
For Respondent(s)	:	Mr. S.S. Rajpurohit, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

20/02/2024

The petitioner has been arrested in connection with FIR No. 131/2020 of Police Station Ghantali, District Pratapgarh, for the offence punishable under Sections 341 and 302 of IPC. He has preferred this fourth bail application under Section 439 Cr.P.C. Earlier the third bail application was dismissed as not pressed by this Court on 07.05.2022.

Learned counsel for the petitioner submits that according to the Post Mortem Report, the death was caused due to spleen rupture of the deceased and according to the statements of witnesses, they clearly mentioned that the accused inflicted only *lathi* blows on the back of the deceased. Counsel further submits that some of the witnesses have also turned hostile. The accused-petitioner is in judicial custody since 28.12.2020 and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Special Public Prosecutor has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, the fourth bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Shambhu Lal S/o Uda Ji shall be released on bail in connection with FIR No.131/2020 of Police Station Ghantali, District Pratapgarh , provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- 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.

(MANOJ KUMAR GARG),J

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