HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 16018/2024

Kapil S/o Prakash, Aged About 20 Years, R/o Bhindar Ki Haveli, Chandpol, Ps - Ambamata Udaipur (At Present Lodged At Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 14269/2024

Lokesh S/o Shri Shankarlal, Aged About 25 Years, R/o Near Dudya Ganesh Ji Temple, Ekalavya Colony P.s. Ambamata, Dist. Udaipur,raj. (Presently Lodged In Central Jail, Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. K. P. Raj Deora Mr. Love Jain
For Respondent(s)	:	Mr. Sharwan Singh Rathore, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

29/01/2025

These applications for bail under Section 439 Cr.P.C. (483 BNSS) have been filed by the petitioners who have been arrested in connection with F.I.R. No.310/2024 registered at Police Station Sukher, District Udaipur for the offences punishable under Sections 147, 149, 341, 324 and 307 of IPC.

Heard learned counsel for the parties at Bar. Perused the material available on record.

Learned counsel for the petitioners submitted that the co-accused persons namely Hemendra and Govind (S.B. Criminal Misc. Bail Application No.8662/2024) have already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 25.07.2024.

Drawing attention of the Court towards the challan papers, learned counsel submitted that in the alleged incident which occurred on 17.06.2024, the injury allegedly inflicted by the petitioners upon the injured person is simple in nature.

Lastly, learned counsel for the petitioners submitted that the petitioners are in judicial custody, the investigation against them has already been concluded; the challan against them has already been filed before the competent criminal Court; and the trial of the case will take its own considerable time, therefore, the benefit of bail may be granted to the accused-petitioners.

Per contra, learned Public Prosecutor has vehemently opposed the bail applications. However, he was not in a position to refute the fact that the above named co-accused persons have already been enlarged on bail. He was also not in a position to refute the fact that the investigation against them has already been concluded; and the challan against them has already been filed before the competent criminal Court.

Having considered the rival submissions, facts and circumstances of the case and keeping in view the fact that the co-accused persons namely Hemendra and Govind have already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 25.07.2024, and without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, these bail applications under Section 439 Cr.P.C. (483 BNSS) are allowed. It is ordered that the accused-petitioners **(1) Kapil S/o Prakash** and **(2) Lokesh S/o Shri Shankarlal** arrested in connection with F.I.R. No.310/2024 registered at Police Station Sukher, Dist. Udaipur shall be released on bail, if not wanted in any other case, provided **each of them** furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- 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.

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.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

235-236-himanshu/-