

(2017) 02 RAJ CK 0084
In the Rajasthan High Court
Case No : 1159 of 2017

Asif S/o Shri Pappan Khan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 27-02-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 307](#),
[Section 353](#)

Citation : (2017) 02 RAJ CK 0084

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Shambhoo Singh, A.S. Rathore

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
2. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in connection with F.I.R. No.262/2016, Police Station Arnode for the offences under Sections 307, 353 of IPC, 3/25 of Arms Act and 8/21 N.D.P.S. Act .
3. Learned P.P. candidly concedes that the petitioner has not been found connected with the contraband Brown Sugar recovered in this case. The case as set up by the prosecution against the petitioner is that he supplied the fire arm which was used by the

principal co-accused Shoiab to fire on the police party. However this allegation is also based on the statement made by the co-accused in custody of the police.

4. Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar but without expressing any opinion on the merits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

5. Consequently, the bail application is allowed. It is ordered that the accused-petitioner, Asif arrested in connection with F.I.R. No.262/2016, Police Station Arnode shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.