

(2017) 03 RAJ CK 0063
In the Rajasthan High Court
Case No : 258 of 2017

Babu Lal S/o Ram Lal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 22-03-2017

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 302](#),
[Section 34](#) Se

Citation : (2017) 03 RAJ CK 0063

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Sunil Bishnoi, Pankaj Awasthi

Final Decision : Allowed

Judgement

1. Heard learned counsel for the appellants and learned Public Prosecutor. Perused the order under challenge as well as challan papers.
2. The instant appeal has been filed under Section 14A of SC/ST (PA) Act on behalf of the appellants, who are in custody in connection with F.I.R. No.94/2016, Police Station Khinvsar, District Nagaur for the offences under Section 302 / 34 IPC and Section 3(2)(v) of the SC/ST (PA) Act against the order dated 8.2.2017 passed by the Special Judge, SC/ST (PA) Cases, Merta whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

3. The case of the prosecution as against the appellants was based on circumstantial evidence. The main circumstance being the evidence of extra judicial confession. Witnesses PW1 Jetha Ram, PW2 Jog Ram and PW9 Sukh Ram in whose presence the accused are said to have confessed have been examined at the trial. All these witnesses did not support the prosecution story and were declared hostile.

4. In this background and 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, I am inclined to grant bail to the appellants.

5. Consequently, the instant appeal is allowed. The impugned order dated 8.2.2017 passed by the Special Judge, SC/ST (PA) Cases, Merta is set aside. It is ordered that the accused-appellants, Babu Lal and Smt. Bachna Devi arrested in connection with F.I.R. No.94/2016, Police Station Khinvsar, District Nagaur shall be released on bail; provided they furnish a personal bond of Rs.50,000/- each 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.