
(2017) 05 RAJ CK 0120
In the Rajasthan High Court
Case No : 4206 of 2017

Chima Ram Son of Taza Ram

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 24-05-2017

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 147](#)

Citation : (2017) 05 RAJ CK 0120

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Mridul Jain, Pankaj Awasthi, Rakesh Matoria

Judgement

1. Heard learned counsel for the petitioners and learned Public Prosecutor as well as learned counsel for the complainant. Perused the material available on record.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioners who are in custody in connection with F.I.R. No.247/2016, registered at Police Station Chouhtan, District Barmer for the offences under Sections 147, 148, 447, 323, 325, 302 and 307 / 149 IPC.
3. The petitioner no.1 Chima Ram is a 70 years old man. On a perusal of statement of Raju Ram, husband of deceased Smt.Rupo Devi, it is apparent that the allegation of causing the fatal head injury to the deceased is specifically attributed to the petitioner

no.2 Dhapu Devi. No specific injury caused either to the deceased or the injured is attributed to the petitioner no.1 Chima Ram by any eye witness. In this background and having regard to the facts and circumstances available on record but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner no.1 Chima Ram deserves to be released on bail. However, considering the fact that there is a specific allegation of causing the fatal injury against the petitioner no.2 Dhapu Devi, this Court is not inclined to enlarge her on bail.

4. Accordingly, the bail application under Section 439 Cr.P.C. is partly allowed. While dismissing the bail application preferred on behalf of the petitioner no.2 Dhapu Devi, the application for bail moved on behalf of the petitioner no.1 Chima Ram is allowed and it is directed that the petitioner no.1 Chima Ram arrested in connection with F.I.R. No.247/2016, registered at Police Station Chouhtan, District Barmer 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.