

(2024) 02 RAJ CK 0168

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 1018 Of 2024

Dholu Ram @ Dholiya

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-02-2024

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 302, 325, 458
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 02 RAJ CK 0168

Hon'ble Judges : Dr. Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Achala Ram, Arun Kumar

Final Decision : Allowed

Judgement

Dr.Pushpendra Singh Bhati, J

The petitioner has been arrested in connection with FIR No. 409//2019 of Police Station Tibbi, Hanumangarh for the offences punishable under Section 148, 458, 302/149, 325/149, 323/149. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has drawn attention of this Court to the statement of PW-2 Ranjeet Singh, in which he has attributed the injuries to Kala, Vinod and Jagga. The petitioner's name has been mentioned without attributing any role, which is at the same pedestal, as that of Sanjeev Kumar @ shive @ Shivla whose bail application has already been granted by this Court passed in S.B. Criminal Misc. II Bail Application No.4281/2023 vide order dated 19.07.2023. Learned counsel further submits that the direct attribution of injury is upon Kala, Vinod and Jagga and thus, petitioner's bail application deserves to be granted.

Learned Public Prosecutor though opposes the bail application, but fairly submits that the facts and circumstances of the case are same as that of co-accused

Sanjeev Kumar, who has been granted bail.

Looking to the overall facts and circumstances of the case and the submissions made by counsel for the petitioner as well as the fact that the case of the present petitioner is not different from that of the co-accused, who has already been granted bail and having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court is not inclined to continue the custody of the present petitioner.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Dholu Ram @ Dholiya S/o Om Prakash shall be released on bail in connection with FIR No. 409//2019 of Police Station Tibbi, Hanumangarh provided he executes a personal bond in a sum of Rs.50,000/-with two sound and solvent sureties of Rs.25,000/- 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.