

(2024) 01 RAJ CK 0007

In the Rajasthan High Court

Case No : Criminal Miscellaneous IInd Bail Application No. 15837 Of 2023

Gajendra Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 01 RAJ CK 0007

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Vishal Gurjar, M. Khan

Final Decision : Allowed

Judgement

Farjand Ali, J

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 439 Cr.P.C. at the instance of accused-petitioners. The requisite details of the matter are tabulated herein below:

S.No.

Particulars of the Case

1

FIR Number

331/2023

2

Concerned Police Station

Bheemganj

3

District

Bhilwara

4

Offences alleged in the FIR

Under Sections 341 and 323 of the IPC

5

Offences added, if any

Section 307 and 34 of the IPC

6

Date of passing of impugned order

04.12.2023

2. It is contended on behalf of the accused-petitioners that no case for the alleged offences is made out against them and their incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused- petitioners and they have been made accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioners, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.

4. Heard learned counsel for the petitioners and the learned Dy.G.A. as well as perused the challan papers. What is revealing from the same is that there is an allegation of inflicting injury by the petitioners through a fry pan. Admittedly, the tool used in infliction of injury to the victim is not a regular weapon, thus, the submission of the learned counsel for the petitioners cannot be ignored that there was no intent to kill the victim. The charge-sheet has been submitted and the trial would likely to take a long time to conclude. No useful purpose would be served by keeping the petitioners behind the bars till disposal of the trial. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

6. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioners as named in the cause title shall be enlarged on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for her appearance before the court concerned on all the dates of hearing as and when called upon to do so.