

(2017) 03 RAJ CK 0012
In the Rajasthan High Court
Case No : 534 of 2017

Jabbar S/o Ali Bux Mewati

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 01-03-2017

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 394 - Voluntarily causi

Citation : (2017) 03 RAJ CK 0012

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Ramesh Purohit, Deepak Choudhary

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.72/2016, Police Station Mangrup, District Bhilwara for the offences under Sections 394 of IPC and 4/25 of Arms Act .
3. Counsel for the petitioner contends that no test identification was conducted by the investigating officer during investigation. Co-accused Irshad has been granted bail by this Court and two material witnesses Kailash and Ram Swaroop have turned hostile at the trial. He thus, prays that the petitioner deserves to be

released on bail.

4. Learned P.P. vehemently opposes the submissions advanced by the petitioner's counsel. However, he is not in a position to dispute the fact that the case of the present petitioner is not distinguishable from that of Irshad, who has been released on bail.

5. 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.

6. Consequently, the bail application is allowed. It is ordered that the accused-petitioner, Jabbar arrested in connection with F.I.R. No.72/2016, Police Station Mangrup, District Bhilwara 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.