
(2022) 02 RAJ CK 0031

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous 2nd Bail Application No. 1217 Of 2022

Janiya And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 08-02-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 147, 302

Citation : (2022) 02 RAJ CK 0031

Hon'ble Judges : Devendra Kachhawaha, J

Bench : Single Bench

Advocate : Deepak Menaria, A.R. Choudhary

Final Decision : Allowed

Judgement

Devendra Kachhawaha, J

In wake of onslaught of COVID-19, as per guidelines, lawyers have been advised to refrain from coming to the Courts, therefore, hearing of the matter is being taken up only through video conferencing.

The present second bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody in connection with F.I.R. No.34/2021, Police Station Mandwa, District Udaipur, registered for the offences punishable under Sections 302 and 147 of the Indian Penal Code.

Heard and considered arguments advanced by learned counsel for the petitioners through video conferencing and learned Public Prosecutor, present-in-person. Perused the material available on record.

Learned counsel for the petitioners stated that first bail application

(No.9029/2021) was rejected vide order dated 14.07.2021; incident took place on 21.05.2021 and FIR has been filed on 01.06.2021; omnibus allegations have been levelled upon the petitioners; benefit of bail has been granted to co-accused persons, viz., Lumba, Miniya, Kisna and Kaliya; no specific allegations have been levelled against the petitioners; charge-sheet has been filed.

Learned counsel further stated that as per statement of Dr. Ashish P. Doshi, instructions given by him were not followed by the attendant(s) of the injured; and trial will take time. With these submissions, learned counsel for the petitioners prayed that the benefit of bail may also be granted to the petitioners.

Per contra, learned Public Prosecutor has opposed the bail applications of the accused-petitioners.

Having regard to the facts and circumstances of the case, particularly looking to the facts that charge-sheet has been filed; benefit of bail has been

granted by co-ordinate Bench of this Court to co-accused persons, viz., Lumba, Miniya, Kisna and Kaliya vide order dated 14.01.2022 (Bail

Application No.116/2022); and trial will take sufficiently long time, therefore, without expressing any opinion on the merits/demerits of the case, this

Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, the bail applications are allowed. It is ordered that the petitioners â?" (1) Janiya S/o Meha and (2) Prem S/o Bhuriya, both arrested in

connection with F.I.R. No.34/2021,

Police Station Mandwa, District Udaipur, shall be released on bail, if not wanted in any other case; provided each of them furnishes a personal bond of

Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/- 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.