
(2024) 02 RAJ CK 0089

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 789 Of 2024

Lalit @dholu And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 323, 394

Citation : (2024) 02 RAJ CK 0089

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : D.S.Gharsana, S.K.Bhati

Final Decision : Allowed

Judgement

Dinesh Mehta, J

I.A.No.01/2024:-

For the reasons stated, the application seeking early listing of the matter is allowed.

The matter has been taken up for consideration today itself.

S.B. Criminal Miscellaneous Bail Application No. 789/2024:-

1. This application for bail has been filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') in connection with FIR No.227/2023, registered at Police Station Talwara, District Hanumangarh for the offences under Sections 394, 323 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').

2. Learned counsel for the applicants argued that the offences alleged against the applicants are triable by Magistrate and charge-sheet has been filed.

3. While maintaining that neither any investigation nor any recovery remains to

be made, learned counsel brought to the notice of the Court, a further fact that applicants' mother has passed away on 12.02.2024 and they are required to discharge last rites.

4. Learned Public Prosecutor opposed the bail application by contending that as many as 5 and 7 cases respectively, of similar nature are pending against the applicants.

5. Heard learned counsel for the parties and perused the material available on record.

6. Though this Court is not oblivious of the fact that there are number of cases of like nature pending against the applicants, but considering the additional fact that applicants' mother has passed away apart from the fact that the offences alleged against the applicants are triable by Magistrate and charge-sheet has been filed, this Court is inclined to accede to applicants' request of bail.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C. is allowed. The applicant No.1 - Lalit @dholu S/o Sh. Ram Pratap and applicant No.2 - Naresh Kumar S/o Sh. Ram Pratap arrested in connection with FIR No.227/2023, registered at Police Station Talwara, District Hanumangarh shall be released on bail on their furnishing personal bond in the sum of Rs.50,000/-and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

8. Applicants shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.