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**(2019) 08 RAJ CK 0061**

**In the Rajasthan High Court**

**Case No :** Criminal Miscellaneous Bail Application No. 8097 Of 2019

Lalu @ Lalu Ram Meena

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

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**Date of Decision :** 14-08-2019

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 302  
Code Of Criminal Procedure, 1973 — Section 439

**Citation :** (2019) 08 RAJ CK 0061

**Hon'ble Judges :** Vijay Bishnoi, J

**Bench :** Single Bench

**Advocate :** Ram Singh Rawal, S.K. Bhati

**Final Decision :** Allowed

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## **Judgement**

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.55/2018 of Police Station Nai, District Udaipur for the offence punishable under Section 302/34 IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that the allegation against the petitioner of murdering the deceased is absolutely false. It is argued that as per the postmortem report, the cause of death of the deceased is mentioned as asphyxia due to antemortem drowning. It is also submitted that in the postmortem report, no external injury is shown. It is submitted that as a matter of fact the deceased accidentally fell in the pond and died due to drowning but the police have filed charge-sheet against the petitioner and other co-accused person on the basis of surmises and conjecture.

Learned Public Prosecutor has opposed the bail application. Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the

accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner - Lalu @ Lalu Ram Meena S/o Prabhu Dayal Meena shall be released on bail in connection with FIR No.55/2018 of Police Station Nai, District Udaipur 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.