

(2017) 12 RAJ CK 0062
In the Rajasthan High Court
Case No : 11637 of 2017

Mohammad Saeed S/o Shri Shafi Mohammad

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 21-12-2017

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 323](#),
[Section 354](#)

Citation : (2017) 12 RAJ CK 0062

Hon'ble Judges : Gopal Krishan Vyas

Bench : SINGLE BENCH

Advocate : Farzand Ali, Ashok Upadhyay, Firoz Khan

Judgement

1. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in custody in connection with F.I.R. No.148/2017 registered at Police Station Sadar Bazar, Jodhpur, for the offence under Sections 323, 341, 143 & 354 of IPC.
2. Heard learned counsel for the petitioners, learned Public Prosecutor and learned counsel for the complainant.
3. It is submitted that after investigation, the accused petitioners are in judicial custody and the trial of the case is likely to take time, therefore, the petitioners may be enlarged on bail.
4. Learned Public Prosecutor and learned counsel for the complainant vehemently opposed the prayer of the learned

counsel for the petitioners. It is submitted that it is very serious matter, in which accused petitioners are not entitled to be released on bail.

5. Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the bail application filed by the petitioners deserves to be accepted.

6. Consequently, the bail application is allowed. It is ordered that the accused-petitioners, (1)- Mohammad Saeed S/o Shri Shafi Mohammad, (2)- Salman Khan S/o Shri Mohammad Saeed and (3)- Mohammad Ramzan S/o Shri Jumme Khan, arrested in connection with F.I.R. No.148/2017 of Police Station- Sadar Bazar, Jodhpur, shall be released on bail; provided they furnish a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each (Out of two sureties, one surety should be female member of the accused petitioners) 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.

7. Learned Public Prosecutor is directed to inform the concerned police station to provide adequate security to the complainant. It is further directed that uncle of the petitioners shall also furnish undertaking before the concerned Magistrate that he shall ensure security of the complainant party.