

(2023) 11 RAJ CK 0066

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 12165, 13392 Of 2023

Mohit Pahadiya And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-11-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 11 RAJ CK 0066

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Binja Ram, Bharat Gurjar, SS Rajpurohit

Final Decision : Allowed

Judgement

Farjand Ali, J

1. The jurisdiction of this Court has been invoked by way of filing applications under Section 439 Cr.P.C. at the instance of accused-petitioners. The requisite details of the matter are tabulated herein below:

S.No.

Particulars of the Case

1

FIR Number

271/2022

2

Concerned Police Station

Bhilwara

3

District

458, 459, 460, 395, 397 of IPC

4

Offences alleged in the FIR

5

Offences added, if any

6

Date of passing of impugned order in CRLMB No. (13392/2023)

03.08.2023

7

Date of passing of impugned order in CRLMB No.12165/2023

10.07.2023

2. It is contended on behalf of the accused-petitioners that no case for the alleged offences is made out against them and their incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-petitioners and they have been made an accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioners, learned Public Prosecutor opposes the bail applications and submits that the present cases are not fit for enlargement of accused on bail.

4. Have considered the submissions made by both the parties and have perused the material available on record. There is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioners in the present matters. Needless to say, none of the observations made herein under shall affect the rights of either of the parties during trial and this Court refrains from commenting on the niceties of the matter.

5. Accordingly, the instant bail applications under Section 439 Cr.P.C. are allowed and it is ordered that the accused-petitioners as named in the cause title shall be enlarged on bail provided they furnish a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called upon to do so.