
(1995) 07 RAJ CK 0039

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Petition No. 1176 of 1995

Munna Muni Khan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 05-07-1995

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 299
Penal Code, 1860 (IPC) — Section 147, 148, 149, 323, 336

Citation : (1996) CriLJ 831 : (1996) 2 RLW 104 : (1996) 2 RLW 104

Hon'ble Judges : R.P. Saxena, J

Bench : Single Bench

Advocate : Abdul Aziz Khan, for the Appellant; H.R. Panwar, Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

Rajendra Saxena, J.—Mr. Khan has submitted that as many as 11 (eleven) co-accused persons of the alleged incident faced trial in Sessions Case No. 7/ 91 and that the learned Addl. Sessions Judge No. 1, Jodhpur by his judgment dated 30-5-92 has acquitted them for the offences under Sections 147, 148, 323, 436 read with 149 and 336, IPC. He has further submitted that the petitioner did not know about this case and that now the police wants to arrest him.

2. On the other hand, the learned Public Prosecutor has opposed this bail petition and submitted that the petitioner after the incident which took place on 26-10-90 absconded and as such a challan was also filed against him u/s 299, Cr.P.C. According to him, serious allegations are being levelled against the petitioner and therefore, it is not a fit case for anticipatory bail.

3. I have considered the rival submissions. In my considered opinion, the acquittal of co-accused persons in a separate trial does not entitle an absconding accused to be released on anticipatory bail. Accordingly this bail petition stands dismissed. The petitioner should surrender before the learned trial Judge and submit his bail petition, which will be decided by the learned trial Judge in

accordance with law.