
(1985) 04 RAJ CK 0009

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 589 of 1985

Nisar Mohammed

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 22-04-1985

Acts Referred:

Citation : (1985) WLN 332

Hon'ble Judges : V.S. Dave, J

Bench : Single Bench

Judgement

Vinod Shanker Dave, J.—Heard learned counsel for the parties. A serious dispute about the identification of the accused has been raised in this case and it is submitted on behalf of the petitioner that the petitioner is not the one who has committed rape with the prosecutrix. It has rightly been observed by the learned Sessions Judge that this will be a question to be decided at the time of investigation, but at the same time all care and protection has to be taken that accused should be got identified by the prosecutrix, if she can. The an innocent person is not made an accused by prior showing to the prosecutrix in police custody and therefore I deem it proper, in the interest of justice, that accused shall report before the Chief Judicial Magistrate who will forward him to judicial custody on the same day and will depute a Magistrate to hold the test identification parade on that very day, for that a date for surrendering may be intimated well in advance which shall not be later than 15 days, and will ensure that the accused is not taken to the police station and is not hand cuffed prior to test identification parade. In case the accused is identified it will be open to the Investigating Officer to obtain his police custody but in case he is not identified correctly then he shall be released forthwith on bail on execution of a personal bond for a sum of Rs. 5000/- and a like surety to the satisfaction of the Chief Judicial Magistrate, Jhalawar.

2. Copy of this order be sent to the Chief Judicial Magistrate, Jhalawar and also the Superintendent, Jhalawar for compliance.

3. With the above observations the bail application is disposed of.