

(2024) 04 RAJ CK 0045

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 360, 361 Of 2024

Praveen Kumar And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 09-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 04 RAJ CK 0045

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Jagdish Singh, Dinesh Vishnoi, S.K. Mehar, Teja Ram

Final Decision : Allowed

Judgement

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Farjand Ali, J

1. The jurisdiction of this Court has been invoked by way of filing the 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

490/2023

2

Concerned Police Station

Sanchor

3

District

Jalore

4

Offences alleged in the FIR

Under Sections 365, 384 and 376-D of the IPC and under Section 67 of the I.T. Act.

5

Offences added, if any

Under Sections 367 and 342 of IPC

6

Date of passing of impugned order

06.01.2024

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 accused based on conjectures and surmises.

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

4. I Have considered the submissions made by both the parties and have perused the material available on record. The victim 'BK' has been examined in the trial and she has made exculpatory statements towards the petitioner. She blatantly denied to identify the petitioner as culprits. In this view of the matter, this Court do not feel it appropriate to allow their further incarceration. 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 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 them 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.