
(2021) 09 RAJ CK 0081

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 11711, 11712 Of 2021

Prema Ram And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 147, 148, 149, 302, 323, 458

Citation : (2021) 09 RAJ CK 0081

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sandeep Mehta, J

These two bail applications under Section 439 CrPC have been preferred by the petitioners (1) Prema Ram S/o Madan Lal (2) Ratnaram S/o Ramaram, who are in custody in connection with the F.I.R. No.39/2021 registered at the Police Station Jhanwar, District Jodhpur for the offences under Sections 147, 148, 149, 323, 302, 458 and 120-B IPC.

Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the challan papers.

The incident involves assault on the members of the complainant party, which took in the late hours of 30.03.2021. The written report of the incident came to be lodged by Dinesh Ram, son of the deceased Bhoma Ram, to the SHO, Police Station Jhanwar at the mortuary of MDM Hospital, Jodhpur, wherein, the petitioner Prema Ram is not named as an assailant. Petitioner Ratnaram is named as an assailant in the FIR. When the witnesses were examined during investigation, first informant Dinesh Ram did not name the petitioner Prema Ram. However, he named the petitioner Ratnaram as being one of the assailants. On the contrary, eye-witnesses Looni Devi, Baya Devi, Pepa Devi, Govind Ram,

Shyama Ram and Deepa Ram took the name of Prema Ram as being one of the assailants, but they did not allege involvement of the petitioner Ratnaram. From the various accused named by Dinesh Ram in the FIR, Prema Ram, Kheta Ram and Kalki Devi have not been found involved in the incident. Manifestly, thus, a grave discrepancy in the FIR and in the statements of the material eye-witnesses regarding participation of the accused petitioners in the incident.

In this background and having regard to the entirety of the facts and circumstances of the case, I am inclined to grant indulgence of bail to the petitioners.

Accordingly, these two bail applications under Section 439 CrPC are allowed. It is ordered that the accused-petitioners (1) Prema Ram S/o Madan Lal (2) Ratnaram S/o Ramaram arrested in connection with F.I.R. No.39/2021 registered at the Police Station Jhanwar, District Jodhpur shall be released on bail; provided each of them furnishes a personal bond of Rs.50,000/-and two surety bonds of Rs.25,000/- each 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.