

(2023) 10 RAJ CK 0092
In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 12734 Of 2023

Rahul Giri And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 143, 307, 323, 341

Citation : (2023) 10 RAJ CK 0092

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Dilip Choudhary, S.K. Bhati, Sanjay Bishnoi

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The present second bail application has been filed under Section 439 Cr.P.C. The petitioners have been arrested in connection with F.I.R. No.394/2023 registered at Police Station Mahamandir, District Jodhpur for the offences punishable under Sections 143, 341, 323 and 307 of the IPC.

The first bail application was dismissed as not pressed by this Court vide order dated 12.09.2023 with liberty to file afresh after filing of the challan.

Learned counsel for the petitioners submits that now challan of the case has been presented and no investigation is pending against the petitioners. Similar situated co-accused Fateh Singh has already been granted bail by this Court and the case of the present petitioner is not distinguishable from that of the co-accused. The petitioners are in the judicial custody since 14.08.2023 and the trial of the case will take sufficiently long time. Therefore, the benefit of bail may be granted to the accused-petitioners.

Learned Public Prosecutor and learned counsel for the complainant have opposed

the bail application.

I have considered the arguments advanced before me and gone through the material available on record.

Taking into account the facts and circumstances of the case, without commenting on the merits of the case, this Court deems it just and proper to release the petitioners on bail.

Accordingly, the second bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioners –

(1) Rahul Giri S/o Shri Kailash Giri, (2) Surendra Kumar S/o Shri Kishan Ram, (3) Akash Bengali S/o Shri Ramesh and (4) Sahil Khan S/o Shri Farukh Khan, shall be enlarged on bail in F.I.R. No.394/2023 registered at Police Station Mahamandir, District Jodhpur provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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.