
(2023) 06 RAJ CK 0004

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 4174 Of 2023

Rajkumar Acharya @ Jhordan

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 09-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 307

Arms Act, 1959 — Section 3, 25, 27

Citation : (2023) 06 RAJ CK 0004

Hon'ble Judges : Dr. Nupur Bhati, J

Bench : Single Bench

Advocate : Om Prakash, Anil Joshi, Rajat Chhaparwal, Naresh Saraswat

Final Decision : Dismissed

Judgement

Dr. Nupur Bhati, J

1. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in connection with F.I.R. No.90/2023 dated 29.03.2023, registered at Police Station Pratap Nagar, District Jodhpur City (West), for the offence under Section 307/34 of IPC and Sections 3/25 and 27 of the Arms Act.

2. Learned counsel representing the petitioner submits that the co-accused Naresh Gehlot, has already been enlarged on bail by the court of learned Additional Sessions Judge No.5, Jodhpur Metro vide order dated 20.05.2023 (Criminal Misc. No.1087/2023) and therefore, the petitioner also deserves to be released on bail.

3. Per contra, learned GA-cum-AAG vehemently opposes the submissions advanced on behalf of the petitioner and submits that the case of the petitioner herein is on a different footing than that of the co-accused person Naresh Gehlot, as the said co-accused person was not named in the Parcha Bayan whereas,

name of the present petitioner was mentioned therein. He also submits that a Pistol and a Magazine were also recovered from the petitioner and that, the petitioner has one criminal antecedent of the like nature to his discredit. Thus, on this count alone, the petitioner does not deserve indulgence of bail in this case.

4. Heard learned counsel representing the petitioner, learned GA-cum-AAG and learned counsel representing the complainant as well as perused the material available on record.

5. Having regard to the entirety of facts and circumstances of the case as available on record and the fact that the co-accused Naresh Gehlot has already been enlarged on bail and without commenting on the merits/demerits of the case, this Court is not inclined to enlarge the petitioner on bail at this stage.

6. Accordingly, the instant application for bail filed under Section 439 Cr.P.C. is dismissed.