

(2017) 05 RAJ CK 0003
In the Rajasthan High Court
Case No : 3440 of 2017

Ramlal S/o Roopa Gamar (Garasiya)

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 01-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 302](#),
[Section 34](#) Se

Citation : (2017) 05 RAJ CK 0003

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Arun Dachich, Rajesh Bhati

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the challan papers.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioners who are in custody in connection with F.I.R. No.113/2016, registered at Police Station Panarwa, District Udaipur for the offence under Section 302 / 34 IPC.
3. As per the challan papers, the highest allegation of the prosecution which is based on the oral dying declaration of the deceased Khema, the accused petitioners and one Raju assaulted the deceased Khema after all consumed liquor together. The

incident happened on 18.10.2016. Khema passed away on 20.10.2016 whereafter, his body was subjected to post mortem.

4. As per the post mortem report, the medical officer opined the probable cause of death to be circulatory shock. Thus, apparently the superficial abrasions which were noticed on body of the deceased did not prove fatal. Consequently I am of the opinion that the petitioners deserve to be enlarged on bail.

5. Thus, having regard to the facts and circumstances available on record but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioners deserve to be released on bail.

6. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioners (1) Ramlal and (2) Prakashchandra arrested in connection with the F.I.R.

No.113/2016, registered at Police Station Panarwa, District Udaipur 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.