

(2020) 03 RAJ CK 0016

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 2492 Of 2020

Shakir Mohammad @ Shabir Mohammad And Ors

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 143, 323, 332, 353, 380

Citation : (2020) 03 RAJ CK 0016

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Kailash Kumar, Mohd. Javed Gouri

Final Decision : Dismissed

Judgement

This application for anticipatory bail under Section 438 of Cr.P.C. has been filed by the petitioners apprehending their arrest in connection with F.I.R.

No. 361/2019, Police Station Asind, District Bhilwara for the offences under Sections 143, 323, 332, 353 & 380 of I.P.C.

Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioners submits that the co-accused Sorab @ Sohraf Mohammad Sheikh has already been enlarged on anticipatory bail by

this Court vide Order dated 20.01.2020 and the case of the petitioners is not distinguishable from the co-accused who has been enlarged on bail. He,

therefore, prays that the petitioners may also be enlarged on anticipatory bail.

Learned Public Prosecutor opposes the bail application but he is unable to distinguish the case of the present petitioners vis-a-vis the case of the co-

accused person who has been enlarged on anticipatory bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and the fact that the case of the present petitioners is identical to co-accused aforesaid who has been enlarged on anticipatory bail by this Court, this Court is of the opinion that the petitioners are also entitled for grant of anticipatory bail under Section 438 of Cr.P.C.

Accordingly, this anticipatory bail application under Section 438 of Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners (1)

Shakir Mohammad @ Shabir Mohammad S/o Hasan Mohammad Shekh, (2) Soyal Mohammad S/o Shoukat Mohammad and (3) Sharafat Munir

Shekh S/o Munir Ahmed Shekh in connection with F.I.R. No. 361/2019, Police Station Asind, District Bhilwara, they shall be released on bail provided

each of them furnishes a personal bond in the sum of Rs.50,000/- (Rupees: Fifty Thousand Only) along with two sureties of Rs.25,000/- (Rupees:

Twenty Five Thousand Only) each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as

to dissuade him from disclosing such facts to the court or any police officer; and

(iii) that the petitioners shall not leave India without previous permission of the court.