

(2020) 05 RAJ CK 0013

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 4398 Of 2020

Sikandar @ Nisar @ KalochidoAnd Ors

APPELLANT

Vs

State Of Rajasthan, Through P.p.

RESPONDENT

Date of Decision : 05-05-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 120B, 229A, 323, 341, 382

Citation : (2020) 05 RAJ CK 0013

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Gaurav Singh

Judgement

This application for bail has been filed by the petitioners under Section 439 of the Cr.P.C. in connection with FIR No.14/2020 Police Station Chapar, District Churu for the offences under Sections 382, 341, 323, 34 & 120-B IPC.

It has been indicated in the bail application that chargesheet has been filed and no recovery remains to be made from the petitioners. It has also been stated that petitioners are behind the bars for a considerable period in relation to an offence; which is triable by Magistrate.

Mr. Bhati, learned PP, while opposing petitioners' prayer for release on bail submitted that accused were duly recognised in identification parade.

In view of the aforesaid, without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioners deserves to be accepted.

Consequently, the bail application filed under Section 439 Cr.P.C. is allowed. The petitioners (1) Sikander @ Nisar @ Kalochido S/o Amir Hasan and (2) Sameer S/o Nadeem, arrested in FIR No.14/2020, Police Station Chapar, District Churu shall be released on bail on their furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each.

This Court is of the view that in the prevailing circumstances of complete lock-down amidst spread of COVID-19, furnishing of two sureties each will be difficult on the one hand and the same may pose eminent threat to the concerned. It is, therefore, ordered that the petitioners shall be released on bail upon their furnishing the personal bond. They may furnish requisite sureties by 28th May, 2020 to the satisfaction of the learned trial Court.

It would be required of the concerned Superintendent of Police/Jailer to apprise the petitioners about consequence of violation of the bond as stipulated in Section 229A of the Indian Penal Code, while releasing the petitioners on bail.

Petitioners shall be required to appear before that Court on all dates of hearing and as and when called upon to do so. In case, they fail to furnish surety bonds by the stipulated time, the instant order will come to an end automatically.