

(2021) 10 RAJ CK 0065
In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 8885 Of 2021

Yakub S/O Kamrudeen And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 23-10-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 34, 323, 341, 354, 452, 376, 511

Citation : (2021) 10 RAJ CK 0065

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Firoz Khan, Mahipal Bishnoi, Manish Kumar Bhargav

Final Decision : Allowed

Judgement

Sandeep Mehta, J

This anticipatory bail application under Section 438 CrPC has been filed by the petitioners Yakub S/o Kamrudeen and Sharukh S/o Kamrudeen apprehending their arrest in connection with F.I.R. No.235/2021 registered at the Police Station Bilara, District Jodhpur for the offences under Sections 452, 323/34, 354, 376 and 511 IPC.

Heard learned counsel for the petitioner, learned Public Prosecutor and gone through the material available on record.

The FIR came to be registered for the above offences. It is submitted that cross F.I.R. No.236/2021 has been lodged against the members of the complainant party. On a perusal of the factual report, it is apparent that none of the injuries caused to the members of the complainant party were found to be grievous in nature. The Investigating Officer has not found the offences punishable under Sections 376/511 and 452 IPC made out against the accused and a finding is recorded regarding establishment of the charges punishable under Sections 341, 354 and 323/34 IPC.

In view of these circumstances of the case and as cross cases have been registered inter se between the parties and there is no requirement of the custodial investigation from the petitioners, I am of the opinion that the petitioners deserve indulgence of pre-arrest bail in this case.

In this background and having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar, this Court is of the opinion that it is a fit case for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application is allowed and it is directed that in the event of arrest of petitioners Yakub S/o Kamrudeen and Sharukh S/o Kamrudeen in connection with F.I.R. No.235/2021 registered at the Police Station Bilara, District Jodhpur, they shall be released on bail; provided each of them furnishes a personal bond in the sum of Rs.50,000/- along with two sureties of Rs.25,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

- (i) that the petitioners shall make himself 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.