

Rajasthan High Court - Jodhpur

Suraj vs State on 9 February, 2021

Bench: Vijay Bishnoi

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR S.B. Criminal Misc. Second Bail Application No. 7501/2020 Suraj S/o Ram Prasad, Aged About 23 Years, R/o Ward No.3, Purani Abadi, Sriganganagar (Raj.).

(Accused Is Presently Lodged In Central Jail, Sriganganagar).

----Petitioner Versus State of Rajasthan through Public Prosecutor

----Respondent For Petitioner(s) : Mr. R.S. Mankad For Respondent(s) : Mr. A.R. Choudhary, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI Judgment / Order 09/02/2021 Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.63/2019 of Police Station Purani Abadi, District Sri Ganganagar for the offences punishable under Sections 302, 323, 341 and 34 IPC. He has preferred this second bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that the first bail application of the petitioner was rejected by this Court as not pressed while granting liberty to him to file fresh bail application before the trial court after recording of statements of Rahul, Sitaram, Sita W/o Jogiram, Savitri, Urmila and Baldev Kaur. It is submitted that the statements of all the above named witnesses except Urmila have been recorded before the trial court and they have not supported the prosecution story and turned (2 of 2) [CRLMB-7501/2020] hostile. It is also submitted that Urmila is not appearing for giving her evidence before the trial court as she left for her native place Bihar. It is further submitted that Urmila in her statements recorded under Section 161 Cr.P.C. has not levelled any allegation against the petitioner. It is also submitted that since the important prosecution witnesses have not supported the prosecution story and turned hostile, it would be very difficult for the prosecution to prove the guilt of the petitioner.

Learned Public Prosecutor has opposed the bail application. Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner - Suraj S/o Ram Prasad shall be released on bail in connection with FIR No.63/2019 of Police Station Purani Abadi, District Sri Ganganagar provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J Abhishek Kumar S.No.5 Powered by TCPDF (www.tcpdf.org)