

**(2020) 02 RAJ CK 0556**

**Rajasthan High Court**

**Case No:** Criminal Miscellaneous Bail Application No. 2327 Of 2020

Dinesh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

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**Date of Decision:** Feb. 25, 2020

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 302, 450

**Hon'ble Judges:** Vinit Kumar Mathur, J

**Bench:** Single Bench

**Advocate:** P.R. Mehta, Deepika Soni, Sudhir Tak

**Final Decision:** Allowed

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### **Judgement**

The present bail application has been filed under Section 439 of Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No.

467/2019, Police Station Kushalgarh, District Banswara for the offences under Sections 450 & 302/34 of I.P.C.

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

Learned counsel for the petitioner submits that even as per the statements of the eye-witnesses, namely, Smt. Kesar and Smt. Phooli alias Bhuli, the

fatal injury on the head of the deceased is assigned to Valsing. The cause of death as per the postmortem report is head injury. He further submits

that there is no repetition of blows. The charge-sheet in the matter has been filed only against accused Valsing and the present petitioner. The

conclusion of trial will take sufficient long time. He, therefore, prays that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail application. Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the present bail application filed under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner - Dinesh S/o Malji

Katara arrested in connection with F.I.R. No. 467/2019, Police Station Kushalgarh, District Banswara shall be released on bail provided he furnishes a

personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) with two sureties of Rs.25,000/- (Rupees : Twenty Five Thousand Only) 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.