
Kushpal And Others Vs State Of Rajasthan

S.B. Criminal Miscellaneous Bail Application No. 4093 Of 2022

Court: Rajasthan High Court

Date of Decision: April 5, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 143, 332, 353, 379#Mines And Minerals (Development And Regulation) Act, 1957 " Section 4, 21

Hon'ble Judges: Devendra Kachhawaha, J

Bench: Single Bench

Advocate: Vineet Jain, Rajiv Bishnoi, S.S. Rajpurohit

Final Decision: Allowed

Judgement

Devendra Kachhawaha, J

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody in connection with F.I.R.

No.141/2021, Police Station Ghasa, District Udaipur, registered for the offence punishable under Sections 143, 332, 353 & 379 of the Indian Penal

Code and Section 4/21 of the MMDR Act.

Heard and considered arguments advanced by learned counsel for the petitioners as well as learned Public Prosecutor. Perused the material available

on record.

Learned counsel for the petitioners stated that petitioners were not found at the place of incident; petitioners are not involved in the illegal mining

work; vehicles were found in an abandoned position and the officers of the Mining Department tried to seize the other vehicles of the villagers,

therefore, agitation was made by the villagers; petitioners were falsely been implicated in this case; petitioners are behind the bars since 20.03.2022;

no investigation or recovery is pending against the petitioners; and trial will take time. With these submissions, learned counsel for the petitioners

prayed that the benefit of bail may be granted to the petitioners.

Per contra, learned Public Prosecutor has opposed the bail application of the accused-petitioners and stated that one case each is registered against

the accused-petitioners - Kan Singh, Pushkar Singh and Dalpat Singh.

Having regard to the facts and circumstances of the case, particularly looking to the facts that previously registered cases against the accused-

petitioners are triable by the First Class Magistrate and road accident cases; accused-petitioners are behind the bars since 20.03.2022; further

investigation and trial will take sufficiently long time, therefore, 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 is allowed. It is ordered that the accused-petitioners " (1) Kushpal @ Khushpal Singh S/o Kan Singh, (2) Kan

Singh S/o Shri Fateh Singh, (3) Pushkar Singh S/o Shri Lal Singh, (4) Lal Singh S/o Shri Udai Singh, (5) Bhim Singh S/o Shri Dule Singh and (6) Dalpat

Singh S/o Shri Bhim Singh, all arrested in connection with F.I.R. No.141/2021, Police Station Ghasa, District Udaipur, shall be released on bail, if not

wanted in any other case; provided each of them furnishes a personal bond of Rs.50,000/- with two surety bonds of Rs.25,000/- 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.