
Rahis Vs State Of Rajasthan

S.B. Criminal Miscellaneous III Bail Application No. 15317 Of 2021

Court: Rajasthan High Court, Jaipur Bench

Date of Decision: Aug. 17, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437(3), 439#Indian Penal Code, 1860 " Section 147, 148, 149, 302, 307, 323, 325, 336, 341

Hon'ble Judges: Mahendar Kumar Goyal, J

Bench: Single Bench

Advocate: Anil Jain, Arvind Kumar, Mohd. Haris

Final Decision: Allowed

Judgement

Mahendar Kumar Goyal, J

The present third bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.05/2019

registered at Police Station Kanchanpur, District Dholpur for the offence(s) under Section(s) 147, 148, 149, 323, 341, 325, 307, 302 & 336 of I.P.C.

and later on for the offence under Sections 147, 148, 149, 323, 341, 325, 307 & 302 I.P.C.

Learned counsel for the petitioner submitted that allegation against him of inflicting a blow on hand of deceased-Deshraj with farsa (a sharp edged

weapon) is not medically corroborated and cause of death, as per the postmortem report, is gunshot injury attributed to accused-Gabbar. He submitted

that the petitioner is in custody since 03.02.2020, prosecution evidence is yet to start and prayed for his release on bail

Learned Public Prosecutor assisted by learned counsel for the complainant opposing the third bail application submitted that the petitioner was a

member of unlawful assembly. They submitted that even otherwise also, in view of his criminal antecedents, the petitioner does not deserve

indulgence of bail.

Heard. Considered.

Taking into consideration the submissions advanced by learned counsels for the respective parties, the material on record including the postmortem

report of the deceased-Deshraj, length of custody and especially non-examination of a single prosecution witness till date; but, without expressing any

opinion on the merits of the case, this Court deems it just and proper to enlarge the petitioner on bail.

Accordingly, the third bail application is allowed and it is directed that accused-petitioner Rahis S/o Man Singh shall be released on bail under Section

439 Cr.P.C. in connection with afore-mentioned FIR registered at concerned Police Station, provided he furnishes a personal bond in the sum of

Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of Rs.50,000/-(Rupees Fifty Thousand only) each to the satisfaction of the

trial Court with the stipulation that he shall comply with all the conditions laid down under Section 437(3) Cr.P.C.

However, looking to the nature of offence and his criminal antecedents, it is made clear that in case the petitioner is found involved in similar

offence(s) in future, the Jurisdictional Sessions Court shall be at liberty to cancel the benefit of bail extended to him by this Court.