
(2023) 10 RAJ CK 0047

Rajasthan High Court

Case No: Criminal Miscellaneous Bail Application No. 2334 Of 2023

Kumar Anand
Upadhyay

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: Oct. 12, 2023

Acts Referred:

- Indian Penal Code, 1860 - Section 323, 341, 354, 394, 452
- Code Of Criminal Procedure, 1973 - Section 438

Hon'ble Judges: Manoj Kumar Garg, J

Bench: Single Bench

Advocate: Ranjeet Joshi, MS Bhati

Final Decision: Allowed

Judgement

Manoj Kumar Garg, J

This anticipatory bail application has been filed by the petitioner apprehending his arrest in connection with FIR No.699/2022, Police Station Subhash

Nagar, Bhilwara for the offences under Sections 341, 323, 452, 354, 394 IPC.

Learned counsel for the petitioner submits that there case cross cases between the parties and both the parties have received injuries in the incident.

Counsel submits that this is purely a civil dispute between the parties and similarly situated co-accused namely Madan Lal, Smt. Pushpa Devi and

Rajendra Kumar have already been granted anticipatory bail by the trial court. In such circumstances, no useful purpose would be served by sending

the petitioner behind the bars for indefinite time. Thus, the petitioner may be released on anticipatory bail.

Learned Public Prosecutor opposed the prayer for anticipatory bail.

Heard the learned counsel for the parties and perused the impugned order.

Having regard to the facts and circumstances of the case 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 anticipatory bail to the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application is allowed and it is directed that in the event of arrest of petitioner Kumar Anand Upadhyay S/o Madanlal Upadhyay

in connection with FIR No.699/2022, Police Station Subhash Nagar, Bhilwara, the petitioner shall be released on bail; provided he furnishes a personal

bond in the sum of Rs.1,00,000/- along with two sureties of Rs.50,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the

following conditions :-

(i). that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii). that the petitioner 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 petitioner shall not leave India without previous permission of the court.