

Mangal Singh And Ors Vs State Of Rajasthan

Court: Rajasthan High Court

Date of Decision: June 4, 2019

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439
 Indian Penal Code, 1860 " Section 143, 323, 341, 380, 427, 454, 504

Hon'ble Judges: Dinesh Mehta, J

Bench: Single Bench

Advocate: M.S. Rajpurohit, Sharvan Bishnoi, Anil Gupta, S.R. Verma

Final Decision: Allowed

Judgement

During the course of arguments, it has transpired that Mangal Singh S/o Shri Jawahar Singh has been shown as 27 years of age. On query raised by

the Court, Mr. Rajpurohit submits that he is a senior citizen of about 67 years of the age and the age has wrongly been mentioned in the cause title.

Learned counsel for the petitioner is permitted to carry out the requisite correction in the cause title during the Court proceedings.

This application for bail has been filed by the petitioners under Section 439 of the Cr.P.C. in connection with FIR No 38/2019, Police Station Poogal,

for the offences under Sections 454, 380, 323, 504, 341, 427 and 143 IPC.

Heard learned counsel for the petitioner, learned Public Prosecutor and learned counsel for the complainant and also perused the material available on

record.

Learned counsel for the petitioner submits that due to sudden altercation and in a bid to ward off complainants' attempt of taking possession of the

land, the dispute arose, during which the complainants suffered injuries. He points out that none of the injuries is grievous, while taking the Court

through the injury report. He argues that all the injuries have been caused with the help of blunt weapons.

Learned Public Prosecutor vehemently opposed this bail application.

Learned counsel for the complainant submits that the petitioners have used lathies and sharp-edged weapon to inflict injuries upon them. He further

submits that one of the member from complainant party has suffered fracture in the leg for which the petitioners may not be enlarged on bail.

Having regard to the facts and circumstances of the case and looking to the fact that none of the injury is grievous and 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 filed under Section 439 Cr.P.C. is allowed. It is ordered that petitioners; (1) Mangal Singh S/o Shri Jawahar Singh

and (2) Rugha Ram S/o Shri Mangal Singh arrested in FIR No.38/2019, Police Station Poogal shall be released on bail; provided they execute personal

bond in the sum of Rs. 50,000/- and two sureties 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.