

Bashir Khan and anr Vs. State

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SooperKanoon Citation : sooperkanoon.com/1142793

Court : Rajasthan Jodhpur

Decided On : May-08-2014

Appellant : Bashir Khan and anr

Respondent : State

Judgement :

{ 1 } IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CR.

MISC.

BAIL APPLICATION No.4197/2014 (BASHIR KHAN @ ANR.

versus STATE OF RAJASTHAN) S.B.CR.

MISC.

II BAIL APPLICATION No.4198/2014 (MAHIPAL SINGH versus STATE OF RAJASTHAN) Date of Order :: 08.05.2014 HONBLE MS.JUSTICE NIRMALJIT KAUR Mr.Dhirendra Singh, for the petitioners.Mr.Ashok Upadhayay, Public Prosecutor, for the State.

Both these bail application shall stand decided by this common order as they arise out of the same FIR.

These bail applications have been filed under Section 439 Cr.P.C. The petitioners have been arrested in connection with FIR No.28/2014, Police Station Marwar Junction, district Pali for the offences under Sections 302/34, 201, 120-B IPC and Section 3(2)(V) of SC/ST Act.

The fiRs.bail application filed by the accused - petitioner, Mahipal was dismissed on 12.03.2014 as at that time the matter was under investigation.

Learned counsel for the State does not dispute that from the statements and other evidence collected, the only offence made out against the present petitioners is under Section 201 IPC for destroying the evidence and for helping the main accused Lalit to run away.

It is stated that { 2 } neither there is any motive nor any allegation that the present petitioners were present with the main accused when the said murder took place.

Challan has already been filed.

Taking into account the facts and circumstances of the case, this Court deems it just and proper to release the petitioners on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused- petitioners (1) Bashir Khan s/o Alfu Khan, (2) Raja Ram s/o Mangi Lal and (3) Mahipal Singh s/o Jorawar Singh shall be enlarged on bail provided they furnish a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called upon to do so.

However, nothing said herein will have any bearing while framing charges or on merits of the case.

(NIRMALJIT KAUR).J.

Anil/12-13