

Deepak Kumar Vs. State

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Court : Rajasthan Jodhpur

Decided On : May-08-2014

Appellant : Deepak Kumar

Respondent : State

Judgement :

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

ORDER

S.B.CR.

MISC.

BAIL APPLICATION No.4188/2014 (DEEPAK KUMAR versus STATE OF RAJASTHAN) S.B.CR.

MISC.

BAIL APPLICATION No.3669/2014 (SHAIENDRA @ BATLA versus STATE OF RAJASTHAN) Date of Order :: 08.05.2014 HONBLE MS.JUSTICE NIRMALJIT KAUR Mr.Vineet Jain, for the petitioners.Mr.Ashok Upadhyay, Public Prosecutor, for the State.

Both these bail applications 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.70/2014, Police Station Rajnagar, district Rajsamand for the offences under Sections 366 and 376 IPC.

Learned counsel for the State while opposing the bail application submitted that the prosecutrix has made serious allegations against the petitioners. It is stated that the prosecutrix in her statements under Section 161 as well as under Section 164 Cr.P.C. alleged specific allegation of rape against the petitioners. { 2 } On the other hand, learned counsel for the petitioners has invited attention of this Court to the call details placed on record.

The said call details are part of the challan.

From 01.03.2014 to 07.03.2014 i.e. till the date of the incident, there are number of calls between the petitioner and the prosecutrix and there are almost 10-15 calls daily to each other.

There is also evidence that internet connection of mobile phone of the prosecutrix was working and she was regularly uploading on her mobile phone.

Still, she did not deem it proper to inform her family.

In her statement recorded under Section 164 Cr.P.C., Yogesh and Satish have also been named, however, they have not been charge sheeted.

Their involvement was found to be false as their call details were found to have been made from somewhere in Gujarat at that point of time.

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) Deepak Kumar s/o Kishanlal and (2) Shailendra @ Batla shall be enlarged on bail provided they { 3 } 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.

(NIRMALJIT KAUR).J.

Anil/10

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