

Mamraj and anr Vs. State

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Court : Rajasthan Jodhpur

Decided On : Oct-30-2014

Appellant : Mamraj and anr

Respondent : State

Judgement :

[1].IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CR.

MISC.

BAIL APPLICATION No.7356/2014 (MAMRAJ & ANR.

versus STATE OF RAJASTHAN) Date of Order :: 30.10.2014 HONBLE MS.JUSTICE NIRMALJIT KAUR Mr.R.S.Choudhary, for the petitioneRs.Mr.Ashok Upadhayay, Public Prosecutor, for the State.

The present bail application has been filed under Section 439 Cr.P.C.The petitioners have been arrested in connection with FIR No.41/2014, Police Station Kalu for the offence under Section 302 IPC.

Learned counsel for the petitioners while praying for bail submitted that the body of the deceased was found in an open field.

There is no eye witness.

The only evidence against the petitioners is the extra judicial confession.

Even the said extra judicial confession is qua Setharam.

The last seen evidence is of the son of the deceased.

The son of the deceased stated that it was Setharam, who took the deceased with him.

It is further stated that the petitioners have been enroped only on account of sons of Setha Ram.

One knife was lying on the spot but the injury is not with knife.

Learned counsel for the State while opposing the bail application submitted that a Jeep was recovered from the petitioner No.1 - Mamraj and one Diary was recovered from the petitioner No.2 - Mangla Ram It is not disputed that the present petitioners are sons of Setha Ram.

There is no eye witness.

It is also not disputed that there is no blood stain or indication found in [2].the said Jeep or evidence that the said Jeep was used in the crime.

Further, there is no injury on the body of the deceased, except one injury which is said to be on the private part.

The description of the injury does not show that it is inflicted with knife.

The cause of the death has still not been established and is kept pending till such a time the FSL report is received.

The petitioners are the sons of Setha Ram.

Neither the extra judicial confession is qua the petitioners and nor they were last seen with the deceased.

The evidence if at all is qua Setha Ram.

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) Mamraj and (2) Mangla Ram both sons of Setha Ram 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.

(NIRMALJIT KAUR).J.

Anil/16

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