

Jagdish and ors. Vs. State

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SooperKanoon Citation : sooperkanoon.com/758067

Court : Rajasthan

Decided On : Oct-20-1981

Reported in : 1981WLN(UC)270

Judge : K.S. Sidhu, J.

Appeal No. : S.B. Cr. Misc. Bail Application No. 1111/81

Appellant : Jagdish and ors.

Respondent : State

Disposition : Application allowed

Judgement :

K.S. Sidhu, J.

1. This is an application under Section 438 Cr. P.C. for anticipatory bail. It is alleged that a case, FIR No. 169/1981, has been registered by the Bagru Police against the accused petitioners under Sections 147, 148, 149, 323, 324 and 452 TPC. In a case of this nature where such injuries are involved as being the offence within bailable category and then Section 452 IPC is added, this Court has generally been granting anticipatory bail. If the FIR is to be believed then this case falls in the category of cases where as a matter of practice anticipatory bail is granted. However, the learned Public Prosecutor informs that on X-ray

examination Prahlad, one of the injured persons, is said to have suffered multiple fractures of bones of fronto-parietal region that therefore Section 307 IPC has already been added to category of offences mentioned in the FIR. Without expressing any opinion on the question as to whether the injuries suffered by Prahlad would bring the case within the ambit of Section 307 IPC or not, I am of opinion that the accused-petitioners should be granted bail under Section 438 Cr. P.C. I may mention here that before the present FIR was registered against the accused-petitioners, in the instant case, another FIR No. 168/1981 has been registered by the Bagru police against the members of the complainant party at the instance of the accused-party.

2. Bearing all these facts in mind, I am of opinion that the accused-petitioner should be granted anticipatory bail. I would accordingly allow this application and direct that in the event of their respective arrest, the accused-petitioners shall be released on bail on their executing severally bail bonds in the amount of Rs. 5,000/- with one surety in the like amount in each case, to the satisfaction of the Investigating/Arresting Officer concerned, One of the conditions of the bail bonds to be executed by the petitioners and their sureties will be that during the period of investigation, the petitioners shall make themselves available to the Investigating Officer as and when they are required to do so. Another condition of the said bonds will be that during the period they remain on bail, the petitioners shall not commit an offence similar in nature to the offence of which they are accused now.