

Munna Muni Khan Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-05-1995

Reported in : 1996CriLJ831

Judge : Rajendra Saxena, J.

Acts : Indian Penal Code (IPC) - Sections 147, 148, 149, 323, 336 and 436; Code of Criminal Procedure (CrPC) , 1974 - Sections 299

Appeal No. : Criminal Misc. Bail Petition No. 1176 of 1995

Appellant : Munna Muni Khan

Respondent : State of Rajasthan

Advocate for Def. : H.R. Panwar, Public Prosecutor

Advocate for Pet/Ap. : Abdul Aziz Khan, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

Rajendra Saxena, J.

1. Mr. Khan has submitted that as many as 11 (eleven) co-accused persons of the alleged incident faced trial in Sessions Case No. 7/ 91 and that the learned Addl.

Sessions Judge No. 1, Jodhpur by his judgment dated 30-5-92 has acquitted them for the offences under Sections 147, 148, 323, 436 read with 149 and 336, IPC. He has further submitted that the petitioner did not know about this case and that now the police wants to arrest him.

2. On the other hand, the learned Public Prosecutor has opposed this bail petition and submitted that the petitioner after the incident which took place on 26-10-90 absconded and as such a challan was also filed against him under Section 299, Cr.P.C. According to him, serious allegations are being levelled against the petitioner and therefore, it is not a fit case for anticipatory bail.

3. I have considered the rival submissions. In my considered opinion, the acquittal of co-accused persons in a separate trial does not entitle an absconding accused to be released on anticipatory bail. Accordingly this bail petition stands dismissed. The petitioner should surrender before the learned trial Judge and submit his bail petition, which will be decided by the learned trial Judge in accordance with law.