

Vinod Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Aug-01-1988

Reported in : 1988WLN(UC)192

Judge : Farooq Hasan, J.

Appeal No. : S.B. Cr. Cancellation Bail Application No. 386 of 1988

Appellant : Vinod

Respondent : State of Rajasthan and ors.

Disposition : Application dismissed

Judgement :

Farooq Hasan, J.

1. Heard learned Counsel for the parties. The accused non-petitioners have been released on bail on 11-11-1987 and 13-11-1987 by this Court. Through this application it has been prayed that the aforesaid order be recalled because the accused non-petitioners are misusing the concession granted to them. In this application it has been stated that the accused non-petitioners are threatening the witnesses in order to refrain them from giving their evidence before the trial court. Learned Counsel for the applicant submits that the report for the aforesaid facts have been lodged by Shri Jhiburam s/o of deceased and one Shri Madan Lal the

so-called eye witness. It has not been claimed that after receiving that report the concerning police took any action. In this application it has been alleged that the police did not initiate any action against the accused non-petitioners. In this view of the matter it is alleged that the accused non-petitioners are misusing the liberty of the bail.

2. Learned Counsel for the non-petitioners on the other hand submits that the accused non-petitioners are not residing in the village where the witnesses reside. He further submits that the allegations are vague and that the bail can be cancelled only when there is a strong case of misusing the liberty given to the non-petitioners by way of granting bail to them.

3. I have considered the point raised and gone through the affidavit filed by them. I am of the opinion that the allegations against the accused non-petitioners are vague. No affidavit of so called eye witness of Madan Lal who is also alleged to have been given threatening by the accused non-petitioners and who lodged the report is given so as to form any opinion that the witness has been given threatening. It is an admitted fact that no action was initiated by the police on the report lodged by Madan Lal or Jhiburam as is alleged by the petitioner. I am of the opinion that this is not a fit case where bail orders passed in favour of the non-petitioners be recalled or cancelled. Learned Counsel for the applicant submits that in case this application is dismissed then condition be imposed while dismissing this bail application I think it just and proper to direct the accused non-petitioners to maintain peace and be of good behaviour and further that they will not repeat the offence.

4. In the light of the observations made above this bail application is dismissed.