

H Husaln and ors. Vs. State

H Husaln and ors. Vs. State

SooperKanoon Citation : sooperkanoon.com/763630

Court : Rajasthan

Decided On : Jan-07-1994

Reported in : 1994(1)WLN237

Judge : V.S. Dave, J.

Appeal No. : Misc Bail Application No 3 of 1994

Appellant : H Husaln and ors.

Respondent : State

Disposition : Application allowed

Judgement :

V.S. Dave, J.

1. The learned Public Prosecutor wants to call for the case diary. I regret that this is not a case where time may be granted for sending for the case diary as it is a case where six accused persons have been alleged to have committed offences under Sections 147, 325, 307, 451 and 171, I.P.C. A perusal of the injury report discloses two contusions whose dimensions are not more than 3 cm in any case, one abrasion 1 1/2 cm and complaining of chest pain which of course is due to fracture of the ribs. The author of this injury is not known. With the aforesaid minor injuries on the person of the injured it would be too risky and rather venture some

to attract Section 147 with the intention of causing death as if the man would have died the case would have resulted in murder. The case which is barely beyond travelling Section 323 can by no means be a case where diary may be permitted to be called for.

2. Hence, in the facts and circumstances of the case. I am inclined to grant bail under Section 439, Cr.P.C. to the accused petitioners.

3. Accordingly, the bail application is allowed. The accused petitioners (1) Hussain s/o Usman Khan, (2) Tokey Khan s/o Misri Khan (3) Meeray Khan s/o Mistri Khan, (4) Habib Khan s/o Allah Khan, (5) Meeray Khan s/o Raimal Khan, and (6) Khalak Khan s/o Haji Khan shall be released on bail provided each one of them furnishes a personal bond in the sum of Rs. 2,000/- and one surety bond in the like amount to the satisfaction of the learned Sessions Judge, Jaisalmer for appearance before him as and when called upon to do so.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com