

Leela Vs. State of Rajasthan

Leela Vs. State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/764427

Court : Rajasthan

Decided On : Nov-03-1989

Reported in : 1989WLN(UC)406

Judge : I.S. Israni, J.

Appeal No. : S.B. Cr. Mics. Third Bail Application

Appellant : Leela

Respondent : State of Rajasthan

Advocate for Pet/Ap. : Shri. Biri Singh

Judgement :

I.S. Israni, J.

1. This is third bail application of the petitioner, who is charged to have committed offence under Section 302, IPC.

2. It is contended by Shri Biri Singh, learned Counsel for the petitioner that all other accused persons have been released on bail except the petitioner. Cross-First Information Reports were filed by the parties & the persons against whom the petitioner-party filed FIR, all of them have been already released on bail. It is further contended that accused Jagan, who was also armed with farshi has been already released on bail by this Court on 6-10-1988. It is pointed out by the

learned Counsel that all the injured eye witnesses have been examined in the case. PW 1 Hethram, an injured eye-witness has stated that co-accused Jagan gave a blow with farsi from the right side on the head of deceased Girraj and co-accused Sampat gave blow on his head with lathi. He further states that the petitioner gave blow with farsi on the head of deceased Ram Krishna. PW 2 injured eye-witness Durga does not say anything about the petitioner. PW 3 injured eye-witness Ram Dayal also does not say any thing regarding the petitioner and says that when he reached the site, the deceased lying dead. PW 4 injured eye-witness Ram Singh has stated that petitioner gave blow with farsi on head of deceased Ram Krishna and co-accused Jagan also did the same with farsi. He further says that co-accused Jagan gave farshi' blow on head of Gir Raj and co-accused Sampat gave blow with Lathis on the head of deceased. PW 5. injured eye-witness Sona, PW 6 injured eye-witness Sohanlal, PW 7 injured eye-witness Bhajju PW 8, injured eye-witness Prasadi, and PW 9 injured eye-witness Devi Rai do not make any allegation against the petitioner. PW 15 injured eye-witness Nanu states that petitioner and co-accused Jagan gave blow, each with farshi on the head of deceased Ram Krishna and co-accused Sampat and Jagan gave blow with lathi and farshi respectively on the head of deceased Girraj. He also states that the co-accused Girraj, Sampat, Suraj and Prakash also gave blows to deceased Ram Krishan.

3. It is, therefore, contended by the learned Counsel that co-accused Jagan who was also armed with farshi and had given farshi blow on the head of deceased Ram Kirishna has been already released on bail and the accused petitioner is also alleged to have given a blow on the head of deceased Ram Krishna with farshi as stated by only three of the several eye witnesses examined so far by the prosecution.

4. The incident is said to have taken place on 4-5-1987 and soon thereafter the accused petitioner was arrested and is in jail till today. His case evidently is similar to that of co-accused Jagan, who was also armed with farshi. It may be mentioned that as per medical report of the deceased Ram Krishna, there is no incised wound on his head and there are lacerated wounds on his head.

5. The case of the petitioner, therefore, is similar to that of the co-accused persons Jagan and Sampat. It am, therefore, inclined to grant bail to the petitioner Leela, provided he furnishes personal bond in the sum of Rs. 5,000/- and one surety in the same amount to the satisfaction of the trial court with stipulation to appear each and every date of hearing and as and when called upon to do so.

6. The application is disposed of as above. None of the observations made above shall not cause any prejudice to either of the parties.

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