

Kanaram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-20-1995

Reported in : 1995(2)WLN314

Judge : N.L. Tibrewal, J.

Appeal No. : S.B. Criminal Misc. Bail Application No. 2765 of 1995

Appellant : Kanaram

Respondent : State of Rajasthan

Judgement :

N.L. Tibrewal, J.

1. Heard learned Counsel for the petitioner and learned P.P. for the state.
2. It is contended by the learned Counsel, that Kana Ram Jat (Bijrania) R/o Hudil, district Nagaur mentioned in the First Information Report is a different person than the petitioner, as such, his case becomes at par to that of other accused persons who have been released on bail on the ground that their names do not find place in F.I.R. Learned Counsel contended that co-accused Shankar Lal and Shyam Lal have been released on bail by the learned Sessions Judge on the ground that their names are not mentioned in the FIR and that no identification parade was arranged to get them identified further that lathis were recovered from their

possession and the case of the petitioner stands on the same footing. It is found that Kana Ram Jat (Bijrania) R/o Hudil is a different person.

3. Learned P.P. after seeing the case diary gave a statement that as per the investigating Agency Kana Ram Jat of Hudil is a different person than the petitioner and police is trying to arrest him. He also stated that the charge-sheet has been prepared which is likely to be filed in the court and in that charge-sheet also Kana Ram Jat (Bijrania) of Hudil has been shown as a different person and impleaded as an accused.

4. In view of the aforesaid statement given by the learned P.P. without going into the merits of the case and deciding the question of identity at this stage, I have been left with no option but to release the petitioner on bail under Section 43 and Cr.P.C. like other accused persons not named in the FIR. However, it is made clear that any observation with regard to the identity of the petitioner made in this order at this initial stage shall not have any effect or influence on the trial court to take a different view after recording evidence in the matter.

5. It is, therefore, ordered that the petitioner Kana Ram S/o Nopa Ram shall be released on bail provided he furnishes a personal bond to the sum of Rs. 20,000/- with two sureties in the sum of Rs. 10,000/-each to the satisfaction of the trial court for his appearance in that court or any other court during pendency of trial/inquiry/investigation as the case may be.

6. The bail shall be subject to following condition:

that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court.

7. If the aforesaid condition is violated, the trial court shall be free to cancel his bail without making any reference to this Court.