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Het Ram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jun-01-1987

Reported in : 1987WLN(UC)376

Judge : Inder Sen Israni, V.J.

Appeal No. : S.B. Cr. Misc Bail application No. 958 of 1987

Appellant : Het Ram

Respondent : State of Rajasthan

Advocate for Pet/Ap. : Shri. Surana

Disposition : Application rejected

Judgement :

Inder Sen Israni, V.J.

1. Heard learned Counsel for the petitioner and the learned Counsel appearing for the complainant Kashi Ram as well as the learned Public Prosecutor for the State. Shri Surana appearing for the petitioner has submitted that two others accused persons have been given indulgence of grant of application for anticipatory bail and the case of the present petitioner Hetram is similar to that of accused Santosh Kumar He has also pointed out that there is difference between the allegations made in FIR and statement recorded under Section 161 Cr. PC. He has also

shown certain judgments which show that the petitioner has been acquitted in some cases that were filed against him and an affidavit has also been filed that there are no convictions against the petitioner. He has placed reliance on the case of Surja v. State of Rajasthan(1) 1986 RLW 325 in which it has been held that even though there are cases in which the petitioner may not be entitled for bail, but accused-persons similarly situated should be given similar treatment and therefore, the bail was granted. The learned Counsel for the State and complainant have urged that the statement of Kashi Ram recorded under Section 161 Cr. PC clearly shows that the petitioner hit deceased Chandradevi who was his mother, with an iron rod on parietal region which resulted in her death as is also evident from the injury report dated 1st March, 1987. I have also perused the case diary as well as the orders of the lower courts. The learned Counsel has placed reliance on the case of Pokar Ram v. State of Rajasthan and Ors. (2) : 1985 CriLJ1175 in which anticipatory bail granted by this court was cancelled and it was observed by their Lordships of the Supreme Court that some very compelling circumstances must be made out for granting bail to a person accused of committing murder and that too when the investigation is in progress.

2. I have heard the parties and also perused the record. In this case there is direct allegation against the petitioner for causing fatal blow on the parietal region of his mother. From the case diary it is also clear that several criminal cases had been filed against him and in the order of learned Sessions Judge, dated 16th November, 1985 there is mention that the petitioner was involved in 42 criminal cases. Even though the petitioner may have been acquitted in some of the cases, I do not find any circumstance available to the petitioner which may entitle him for grant of anticipatory bail.

3. The application is, therefore, rejected.

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