

Surja Vs. State of Rajasthan

Surja Vs. State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/770137

Court : Rajasthan

Decided On : Mar-05-1986

Reported in : 1986WLN(UC)676a

Judge : Mahendra Bhusan Sharma, J.

Appeal No. : S.B. Criminal Misc. Bail Application No. 518 of 1986

Appellant : Surja

Respondent : State of Rajasthan

Disposition : Application allowed

Judgement :

Mahendra Bhusan Sharma, J.

1. This bail application has been filed on the ground that other accused, whose case is not better than the accused-petitioners, were released on bail by a learned Judge of this Court sitting singly and therefore not with standing the fact that this Court had dismissed the bail application of the accused petitioners, in S.B. Criminal Misc. Bail Application No. 2422/1985, Narsa v. State, bail should be allowed to the present accused-petitioners also. It may be stated here that earlier S.B. Criminal Misc. Bail Application (No. 2422/85) came before me for hearing. I had allowed bail to Narsa on the ground of age and disallowed bail to the accused

petitioners on merits after taking into consideration the multiple injuries sustained by deceased Ranjit on vital parts of the body. I also took into consideration the injuries suffered by accused-persons which were superficial in nature. But after the aforesaid order was made by me, two bail applications were moved in the same case on behalf of the accused-persons. On behalf of accused Nauranga and Bajranga S.B. Criminal Misc. Bail Application No. 296/1986 was filed where as on behalf of accused-persons Jawahara and others S.B. Criminal Misc. Bail Application No. 386/86 was filed. Learned Judge of this Court Hon'ble Farooq Hasan, J., under his orders dated February 3, 1986 in S.B. Criminal Misc. Bail Application No. 296 and dated February 7, 1986 in S.B. Criminal Misc. Bail Application No. 386/86 allowed bail to the accused persons Bajranga and Nauranga as to Nemi Chand and Birju. The bail application of Jawahara. Ratna Ram and Mohan Ram was dismissed. Perhaps, if the order of this court passed in S.B. Criminal Misc. Bail Application No. 2422/1986 dismissing the bail to the accused-petitioners on merits would have brought to the notice of the learned Judge, the result of the bail application might have been effected. But that order does not seem to have been brought to the notice of the learned Judge who disposed of these two applications, though it was not required by law but on the premises that another learned Judge has allowed bail to the accused-persons, the bail has been sought to the accused-petitioners in the present case. That should be a consideration with the court and the court is bound to consider it. Similarly, it was the relevant consideration and if the application of the accused-petitioners was rejected on merits by one Bench, the Court should apply its mind and then pass any order which it may deem necessary and proper. In such cases, rules, or no rules, it will be better if it is brought to the notice of the court in the same manner in which it is now being brought to the notice of this court that the application of the other accused had been earlier allowed. Be that as it may if, necessary, such a provision must be inserted in the Rules. Any how, another learned Single Judge of this Court allowed bail to the accused-persons and on perusal of the record. I am unable to say that the case of the accused-petitioners is not similar to those who have been ordered to be released on bail by another Bench. Therefore, though I have my own reservations about the merits of the case and expressed them in my earlier order but on the ground that the accused-

persons similarly situated should be treated similarly as the (sic) case of the accused-petitioners is not different from those who have been released on bail, I have no option but to allow them bail, This is only on this ground as aforesaid, I allow this bail application even though earlier it was rejected on merits and direct that all the three accused-petitioners, namely, Surja, Asha and Mangharam shall be released on bail provided each of them furnishes a personal bond in the sum of Rs. 5000/- with one surety each in the like amount to the satisfaction of the Sessions Judge, Sikar for their appearance in his Court on each and every date and as and when they are required to do so.

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