

Afjal Khan Vs. State

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SooperKanoon Citation : sooperkanoon.com/771383

Court : Rajasthan

Decided On : Jan-07-2009

Reported in : RLW2009(1)Raj615

Judge : Mahesh Chandra Sharma, J.

Appellant : Afjal Khan

Respondent : State

Judgement :

Mahesh Chandra Sharma, J.

1. This revision petition has been filed by the petitioner under Section 53 of the Juvenile Justice (Care & Protection of Children) Act, 2000 read with Section 397/401 Cr.P.C. against the order dated 6.12.2008 passed by Sessions Judge, Kota in Cr. Appeal No. 388/2008 by which the appeal filed by the petitioner has been dismissed and against the order dated 1.12.2008 passed by Principal Magistrate & Juvenile Board, Kota in relation to FIR No. 666/08 registered at Police Station Vigyan Nagar, Kota for the offence under Section 302 IPC whereby the application filed by the petitioner under Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2000 has been rejected.

2. Brief facts of the case are that on complainant submitted an FIR No. 666/2008 at P.S. Vigyan Nagar, Kota for offence under Section 302 IPC.

3. Thereafter, the petitioner moved his bail application before the Principal Magistrate & Juvenile Justice Board Kota but the same was rejected vide order dated 1.12.2008.

4. Against the said order of Principal Magistrate & Juvenile Justice Board, Kota dated 1.12.2008, the petitioner filed a Cr. Appeal before Sessions Judge, Kota which has also been dismissed vide order dated 6.12.2008. Against the said order, this revision petition was preferred.

5. In this revision petition Mr. (Dr.) Mahesh Sharma, counsel for the petitioner has placed reliance upon an order passed by this Court in S.B. Criminal Revision Petition No. 895/2008, Rakesh v. State of Rajasthan in which benefit of bail to accused Rakesh has been given and his prayer is very simple that the case of the present petitioner is not distinguishable to that of accused person i.e. Rakesh.

6. Learned PP opposed the petition.

7. For these reasons, I accept the petition of the petitioner provided he furnishes a personal bond through his natural guardian in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Principal Magistrate & Juvenile Justice Board, Kota with the stipulation that on the subsequent date of hearing he shall appear before the said Court and any other date during the pendency of enquiry and the guardian shall keep proper look after the petitioner.

8. Hence, this revision petition is disposed of accordingly.