

Nijamuddeen and ors. Vs. the State of Rajasthan Through Pp

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Court : Rajasthan

Decided On : May-26-2010

Judge : M.N. Bhandari, J.

Appellant : Nijamuddeen and ors.

Respondent : The State of Rajasthan Through Pp

Judgement :

ORDER

M.N. Bhandari, J.

1. Heard learned Counsel for the parties and perused the record of the case.
2. Learned Counsel for petitioners submits that Salamuddin has already been granted bail under Section 438 Cr PC by the court below and main allegations exist against him only. Bail application of the present petitioners has been rejected only on the ground of it is a second bail application under Section 438 Cr PC. Otherwise, case of the petitioners is on better footing than Salamuddin. Looking to the aforesaid, petitioners may be granted bail.
3. On the other hand, learned PP has opposed the bail application.
4. After taking into consideration rival submissions of the parties and without expressing any opinion on merits of the case, which may otherwise affect outcome

of the trial, but looking to the facts of this case, I am inclined to allow this bail application under Section 438 Cr PC.

5. Therefore, the SHO/IO of the Police Station - Nasirabad, District - Ajmer is directed that in the event of arrest of the petitioner's Nijamuddeen, Nasir and Mohammed Sajid in FIR No. 26/2010 registered for offence under Section's 147, 148, 149, 323 and 308 IPC, he shall enlarge them on bail provided each of them furnishes a personal bond in the sum of Rs. 25,000/- with one surety each in the like amount to his satisfaction on the following conditions:

(i) They shall make themselves available for interrogation by Investigating Officer as and when required;

(ii) They 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 or to any Police Officer;

(iii) They shall not leave India without previous permission of the Court.

(iv) They shall not commit same and similar offence during the period of bail.

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