

Dilip Kumar Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-08-2011

Judge : Mohammad Rafiq, J.

Acts : Code Of Criminal Procedure (CRPC) - Section 439; Indian Penal Code (IPC) - Sections 302

Appeal No. : Case No. CRLMB 6601 of 2011

Appellant : Dilip Kumar

Respondent : State of Rajasthan

Advocate for Def. : Shri. Amit Punia, Adv

Advocate for Pet/Ap. : Shri, Sunil Kumar Singodiya, Adv.

Judgement :

1. Heard learned counsel for petitioner as well as learned Public Prosecutor and perused material made available to me during course of arguments.

2. Learned counsel for petitioner contended that first bail application of the petitioner was rejected by order of this court dated 01.04.2011 with liberty to the petitioner to again apply for bail before the trial court after statements of Sonu, Bansi Lal, Ram Prasad Bhati, Lalita Devi and Ram Prasad Bhatt are recorded. The prosecution was directed to record those statement on priority basis. The

statements of those witnesses have been recorded and all the witnesses have turned hostile. In the circumstances the prosecution is not likely to succeed. There is no previous case ever registered against the petitioner.

3. Learned Public Prosecutor opposed the bail application, however, he could not dispute the fact that all the witnesses have turned hostile.

4. After considering all the facts and circumstances of the case and without expressing any opinion on its merits and demerits, I deem it just and proper to allow this bail application. It is therefore ordered that accused-petitioner, namely, Dilip Kumar Son of Shri Chandanmal, Resident of 3/4, Sunder Nagar, Beawar, District Ajmer be released on bail under Section 439 Cr.P.C., in FIR No.587/2010, Police Station Beawar City, District Ajmer, for offence under Section 302 IPC, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25000/- each to the satisfaction of the trial court for his appearance on all subsequent dates of hearing and as and when called upon to do so.

5. However, in case petitioner is again found indulging in similar or any other offence at any point of time in future and that misstatement has been made about his whereabouts or non-registration of any other criminal case, the bail granted to him by this court in present case would be liable to be cancelled at the instance of prosecution on this ground alone and stipulation to this effect shall be inserted in bail bonds produced by petitioner, and sureties to be produced in support thereof shall be verified by Tehsildar of area concerned.

6. The second bail application stands disposed of.

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