

IN THE HIGH COURT OF JUDICATURE FOR  
RAJASTHAN  
BENCH AT JAI PUR.

ORDER

S. B. CR. MIS. BAIL APPLICATION NO. 5633/2010.

Ramesh  
Vs.  
State of Rajasthan

Date of order : 23/6/2010.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ VJ

Shri Arvind Kumar Gupta for petitioner.

Shri Amit Poonia, Public Prosecutor for State.  
Shri Pratap Choudhary for the complainant.  
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Heard learned counsel for petitioner,  
learned Public Prosecutor for the State,  
learned counsel for the complainant and  
perused the relevant documents placed before  
me.

Contention of the learned counsel for  
petitioner is that in the first version that  
was given by informant Sittaram, uncle of  
deceased Anil, he has not even named the  
present accused petitioner. In the FIR, he  
attributed the fatal injuries to Jagmohan and  
Vasudev. Seven other co-accused persons  
namely; Omi @ Omprakash, Vasudev, Laxman @  
Laccho, Kedarnath, Murari, Ramlal and  
Prakash @ Omprakash went to trial and all of  
them have been acquitted on 25/2/2009 because

not only informant Sitaram, who is uncle of the deceased did not support the prosecution case but also when he was examined as PW5, father of deceased PW2 Ramesh and his brother PW3 Raju @ Rajendra have also not supported the prosecution case and have been declared hostile. Petitioner is in jail for last about six months and fresh trial may take a long time because some accused are still absconding.

Learned counsel for the complainant has opposed the bail application and submitted that some of the witnesses whose supplementary statements were recorded in investigation were not produced before the court when trial of the above seven co-accused persons was conducted. They would have given a different version of the incident because they have in police statement assigned some specific role to the petitioner and katta has been recovered at his instance.

Learned Public Prosecutor has also opposed the bail application.

Considering the submissions made at the bar, the nature of accusation, the materials on record, all other facts and circumstances of the case and looking to the

fact that informant, father and brother of the deceased have turned hostile and have not supported the prosecution case, I deem it just and proper to enlarge the petitioner on bail.

In the result, this bail application u/S. 439 Cr. P. C. is allowed and it is directed that petitioner Ramesh S/o Fondi @ Hoti shall be released on bail in FIR No. 382/2007 P. S. Roopwas, District Bharatpur for offence u/Ss. 147, 148, 149, 302, 323 and 452 IPC on his furnishing a personal bond in the sum of Rs. 30,000/- together with two sureties in the sum of Rs. 15,000/- each to the satisfaction of the concerned Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFI Q), VJ.

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