

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

ORDER

IN

S. B. Cr. Misc. 3rd Bai I Application No. 6913/2011

Babu Lal Vs. State of Rajasthan
through Public Prosecutor

Date of Order :::: 29.07.2011

Hon'ble Mr. Justice Mohammad Rafiq

Shri Narendra Choudhary, counsel for petitioner
Shri N. R. Saran, Public Prosecutor

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By the Court:-

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

Contention of learned counsel for petitioner is that this is apparently a case of false implication. The motive for false implication is that prosecutrix's brother-in-law (devar) and his son had subjected accused-petitioner severe beating for which a criminal case for offence under Section 307 of the IPC was registered against them. In that case, apart from present petitioner, Hemraj and Hanuman were eye witnesses in that case. The matter under Section 307 IPC has been compromised between the parties and it was agreed that they shall pay to present accused-petitioner a sum of Rs. 16000/-. This was for that reason that all the three, namely petitioner Babu Lal, Hemraj and Hanuman have been implicated in present allegation. There were other members of the family in the house, apart from the fact that two daughters of the prosecutrix were also sleeping in the same room, and therefore the prosecution story of entering the house by jumping the wall and then breaking open the 'kolu' of the hut, does not inspire confidence. The prosecutrix is 25 years of age and mother of five. There were no signs of resistance. The petitioner is in jail

for last one year and five months. Trial may take a long.

Learned Public Prosecutor opposed the bail application.

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, Babu Lal Son of Shri Raju Lal Meena, Resident of Meena-Ka-Jhopra, Police Station Dai, District Bundi (presently confined in Sub Jail Nainwa) be released on bail under Section 439 Cr. P. C., in FIR No. 88/2010, Police Station Dai, District Bundi, for offence under Sections 457, 427 and 376 of the 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.

The bail application stands disposed of.

(Mohammad Rafiq) J.