

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

ORDER

S.B. Criminal Misc. Bail Application No.4643/2012

Om Prakash @ Oma Ram Vs. State of Rajasthan

Date of Order: 28/06/2012.

PRESENT

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS, V.J.

Mr. B.S. Rathore, for the petitioner.
Mr. Mahipal Bishnoi, PP for the State.

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Heard learned counsel for the applicant and the learned Public Prosecutor and also perused the material available on record.

It is submitted that the petitioner is in judicial custody in connection with FIR No.149/2012, of Police Station- Basni, District- Jodhpur for the offence u/s 458, 380, 342 and 323 of IPC.

Learned counsel for the petitioner submits that co-accused, namely, Bhikha Ram, and Virendra Punia @ Ram Niwas and Virendra Singh Rathore have already been enlarged on bail a coordinate bench of this Court vide the order dated 13.06.2012 in SB Criminal Misc. Bail Application No.4246/2012 and vide order dated 29.05.2012 in S.B. Criminal Misc. Bail application No.3550/2012 respectively. He further submits that the case of the petitioner, Om Prakash @ Oma Ram is not distinguishable from the case of co-accused persons, who have been enlarged on bail. He, therefore, prayed that petitioner may also be enlarged on bail.

Learned Public Prosecutor vehemently opposed the bail application and submitted that the petitioner is not entitled for bail.

Having regard to the nature of accusation and taking into consideration totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, this bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that the applicant, Om Prakash @ Oma Ram S/o Khambhu Ram, by cate Bheel, shall be released on bail in connection with FIR No.149/2012 of Police Station- Basni, District Jodhpur, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(GOPAL KRISHAN VYAS), V.J.