

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH

O R D E R

S.B. Criminal Misc. Bail Application
No.11174/2016
Ghanshyam Vs. State of Rajasthan

31.8.2016

HON'BLE MR.JUSTICE MAHESH CHANDRA SHARMA

Mr.Amir Aziz for the accused petitioner/s
Mr. Rishi Raj Public Prosecutor for State.

This bail application has been filed under Section 439 Cr.P.C.

Brief facts of the case are that the complainant lodged an FIR No. 24/2016 at P.S. Kaprein (Bundi) for the offence under sections 363, 366(a), 376 IPC and section 3/4 of the POSCO Act. During the course of investigation the accused petitioner/s was/were arrested. Thereafter, he/ they moved bail application before the trial court, which was dismissed, hence this bail application before this Court.

Learned counsel for the accused petitioner has submitted that he has annexed the statement of prosecutorix Roop, who has not supported the case of the prosecution and has thus been declared hostile. Counsel has further submitted that the accused petitioner is in judicial lock up since long and no purpose will be served in keeping him behind the bar, hence the accused petitioner/s be released on bail.

Learned Public Prosecutor has opposed the bail application.

Looking to the facts and circumstances of the case, but without expressing any opinion on the merits and demerits of the case, I deem it just and proper to release the petitioner/s on bail.

Therefore, this bail application is allowed and it is directed that accused petitioner/s

Ghanshyam s/o Chhotulal shall be released on bail under Section 439 Cr.P.C. in connection with the aforesaid FIR, provided he/she/they furnish/es a personal bond in the sum of Rs.2,00,000/- (Rupees two lacs) together with two sureties in the sum of Rs.1,00,000/- (Rupees one lac) each to the satisfaction of the trial court with the stipulation that he/she/they shall appear before that court on all subsequent dates of hearing and as and when called upon to do so.

(MAHESH CHANDRA SHARMA) J.

Sharma NK