

(1)

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. CRIMINAL MISC. INTERIM BAIL APPLICATION NO.5790/2016

(Pitha Ram & Ors. Vs. State of Rajasthan)

Date of order : 30.06.2016

HON'BLE MR. JUSTICE DEEPAK MAHESHWARI, VACATION JUDGE

Mr. P.S. Chouhan for the petitioners.
Mr. C.S. Ojha, Public Prosecutor.
Mr. R.S. Choudhary for the complainant.

The present interim bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners who are in custody in connection with F.I.R. No.261/2012, Police Station Nokha, District Bikaner for the offences under Sections 302, 307, 147, 148 & 149 IPC and 25, 27 Arms Act.

Heard learned counsel for the petitioners, learned Public Prosecutor and the learned counsel for the complainant on the interim bail application. Perused the material available on record.

It has been prayed by learned counsel for the petitioners that on account of demise of the father of petitioner No.1 Pitha Ram and the grandfather of petitioner No.2 Megha Ram and No.3 Sanwar Lal, they may be released for a period of 15 days on interim bail so that they may attend the *Pagri Rashm* and other rituals.

Learned counsel for the complainant and the learned Public Prosecutor have vehemently opposed the interim bail application. They brought the notice of the court to the fact that

(2)

the petitioners have murdered the brother of Pitha Ram and now they will be going to attend the *Pagri Rashm* and other rituals of brother of Pitha Ram in the same house where the complainant and his other family members are residing which may create unwarranted situation of tension and law and order. Considering this fact learned lower court has rejected the interim bail application and allowed the petitioners to attend *Pagri Rashm* under Strict vigilance and police protection for one day only i.e. 02.07.2016.

Considering the above mentioned situation and possibility of unwarranted law and order situation on account of inimical relations between the parties, the interim bail application for 15 days does not appear justified to be granted. However, the petitioners may attend the *Pagri Rashm* on 02.07.2016 under police protection as permitted by the learned lower court vide order dated 25.06.2016. The application for interim bail is accordingly dismissed.

(DEEPAK MAHESHWARI), V.J.