

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 10916/2024

Udaiveer S/o Shri Deena, R/o Village Tighra, Police Station Sadar, Dholpur, District Dholpur. (At Present Confined In District Jail, Dholpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 10917/2024

V.s. S/o Shri Deena, R/o Sahanpur, Police Station Sadar, Dholpur, District Dholpur (At Present Confined In District Jail, Dholpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Dushyant Jain on behalf of Mr. Anil Jain

For Respondent(s) : Mr. Sudesh Saini, Addl. GA and Mr. Vivek Sharma, Addl. GA with Mr. Kshitiz Tiwari

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

25/10/2024

1. Both above bail applications shall stand decided by this common order as they arise out of same incident and F.I.R.
2. These applications under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (corresponding to old Section 439 of Cr.P.C.) have been filed by the petitioners seeking regular bail in connection with F.I.R. No.221/2024 dated 05.05.2024 registered

at Police Station Kotwali Dholpur, District Dholpur for the offences under Sections 143, 323, 341, 336, 307 & 506 of I.P.C. and Section 3/25 of the Arms Act.

3. Heard learned counsel for the petitioners as well as learned Public Prosecutor.

4. Learned counsel for the petitioners has contended that the petitioners are innocent. They have been falsely enroped in this case. He has also contended that injuries sustained by injured Pal Singh and Gabbar Singh are simple in nature. The co-accused Sachin @ Chela, Rahul @ Luvkush, Badal @ Karua @ Rinku and Suraj have already been released on bail by this Court vide Orders dated 21.06.2024 and 30.08.2024, respectively. The case against the petitioners is on similar footings from that against co-accused Sachin @ Chela, Rahul @ Luvkush, Badal @ Karua @ Rinku and Suraj. He has also contended that so far as 3 previous cases registered against petitioner - Udaiveer and 7 previous cases registered against petitioner - V.S. are concerned, it has been submitted that they have already been released on bail in those cases. The petitioners are languishing in jail since 22.07.2024 and 18.07.2024, respectively. The investigation/trial of the case is likely to take time. Learned counsel for the petitioners has, thus, urged that further incarceration of the petitioners in this case would not serve any fruitful purpose. He has, therefore, prayed that instant bail applications may be allowed and petitioners may also be enlarged on bail.

5. Learned Public Prosecutor has vehemently and fervently opposed the bail application.

6. I have given my thoughtful consideration to the submissions advanced at bar and have gone through the material available on record.

7. Having regard to the totality of facts and circumstances of the case; considering submissions advanced by learned counsel for the petitioners and the fact that injuries sustained by injured Pal Singh and Gabbar Singh are stated to be simple in nature; petitioners are in custody since 22.07.2024 & 18.07.2024, respectively and co-accused Sachin @ Chela, Rahul @ Luvkush, Badal @ Karua @ Rinku and Suraj have been released on bail, but without commenting anything on the merits and demerits of the case, this Court deems it just and proper to allow instant bail applications filed by the petitioners.

8. Both the above mentioned bail applications are accordingly allowed and it is directed that accused-petitioners **(1) Udaiveer S/o Shri Deena and (2) V.s. S/o Shri Deena** shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the satisfaction of the trial court with the stipulation that they shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(BHUWAN GOYAL), J