

Rajasthan High Court

Dalu vs State Of Rajasthan Through P.P on 18 August, 2010

IN THE HIGH COURT OF JUDICATURE FOR  
RAJASTHAN  
BENCH AT JAIPUR.

O R D E R

S.B.CR.MISC.BAIL APPLICATION NO.7475/2010.

Dalu  
Vs.  
State of Rajasthan

Date of order : August 18, 2010.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Liyakat Ali for the petitioner.  
Shri Laxman Meena Public Prosecutor for State.  
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Heard learned counsel for petitioner as well as learned Public Prosecutor for State and perused the relevant documents placed before me.

Contention of the learned counsel for petitioner is that the quarrel took place between the brothers in which Guddu sustained two injuries at the hands of co-accused Laxmi Narayan. There is no such allegation against the present petitioner. On consideration of this fact, co-accused Banshilal has already been granted bail by the co-ordinate Bench of this Court vide order dated 26/7/2010 however, bail application of co-accused Laxmi Narayan was rejected requiring him to surrender before the trial court. It is contended that evidence which has come on record and which has been collected so far by the investigating agency reveals that accused-petitioner and other brothers took the injured to the hospital for treatment. There is no other case pending against the petitioner.

Learned Public Prosecutor has opposed the bail application but is not in a position to controvert the aforesaid submissions.

Having regard to the facts aforesaid and considering all other facts and circumstances of the case, I deem it just and proper to extend the benefit of pre-arrest bail to the petitioner.

In the result, this anticipatory bail application u/S.438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Dalu S/o Shri Goru, he be released by the S.H.O./I.O. in F.I.R. No.213/2010 P.S. Talera, District Bundi for offence u/Ss.341, 323, 325 and 326 IPC, on his

furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to his satisfaction with the following conditions:

1. that the petitioner shall make himself available for interrogation by a police officer as and when required;
2. that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer; and
3. that the petitioner shall not leave India without previous permission of the court.

(MOHAMMAD RAFIQ), J.

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