

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Appeal (Sb) No. 739/2024

Babu Mohammed S/o Mohammed Mansuri, Aged About 24 Years,
R/o Darwaje Ka Bahar, Pahuncha, P.s. Rashmi, Dist. Chittorgarh.
(At Present Lodged In Dist. Jail Chittorgarh)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Ladu Lal Jeengar, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
3. Naveen Kumar S/o Suresh Chandra Soni, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
4. Lavkant S/o Balu Lal Sharma, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
5. Neeraj Sharma S/o Shyam Lal Sharma, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
6. Devraj S/o Shyam Lal Prajapat, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
7. Raju S/o Dwarka Prasad Pancholi, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
8. Vipul S/o Udai Lal Hingad, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
9. Vinod S/o Devi Lal Sharma, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
10. Deepak S/o Ratan Lal Suvalaka, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.
11. Deepak S/o Shyam Lal Chippa, R/o Pahuna, Tehsil Rashmi, Dist. Chittorgarh.

----Respondents

Connected With

S.B. Criminal Appeal (Sb) No. 626/2024

Anwar Hussain S/o Shabuddeen Neelgar, Aged About 50 Years,
R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh (At Present
Lodged In Dist. Jail, Chittorgarh)

----Appellant



Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Ladu Lal Jeengar, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
3. Naveen Kumar S/o Suresh Chandra Soni, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
4. Lavkant S/o Balu Ram Sharma, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
5. Neeraj Sharma S/o Shyam Lal Sharma, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
6. Devraj S/o Shyam Lal Prajapat, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
7. Raju S/o Dwarka Prasad Pancholi, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
8. Vipul S/o Udai Lal Hingad, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
9. Vinod Kumar S/o Devi Lal Sharma, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
10. Deepak S/o Ratan Lal Suvalka, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.
11. Deepa S/o Shyam Lal Chhipa, R/o Pahuna, Tehsil And P.s. Rashmi, Dist. Chittorgarh.

-----Respondents

S.B. Criminal Appeal (Sb) No. 627/2024

1. Kamruddin S/o Shri Mitthu Mohammed, Aged About 49 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)
2. Fakhruddin S/o Shri Abdul Rahman, Aged About 50 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)
3. Zafar S/o Shri Kamaludin, Aged About 32 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)
4. Alauddin S/o Shri Mitthu, Aged About 47 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)

-----Appellants



Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Shri Ladu Lal, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Shri Suresh Chand Soni, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
4. Lovekant S/o Shri Balu Ram Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
5. Niraj Sharma S/o Shri Shyam Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Shri Shyam Lal Prajapat, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Shri Dwarka Prasad Pancholi, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Shri Udai Lal Hingar, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
9. Vinod Kumar S/o Shri Devi Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Shri Ratan Lal Suwalka, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)

-----Respondents

S.B. Criminal Appeal (Sb) No. 628/2024

Umar Farukh Mansuri @ Farukh Mansuri S/o Shri Fakir Mohammed @ Fakhruddin Mohammed Mansori, Aged About 42 Years, R/o Sadar Bazar, Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)

-----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Shri Ladu Lal, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Shri Suresh Chand Soni, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
4. Lovekant S/o Shri Balu Ram Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)





5. Niraj Sharma S/o Shri Shyam Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Shri Shyam Lal Prajapat, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Shri Dwarka Prasad Pancholi, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Shri Udai Lal Hingar, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
9. Vinod Kumar S/o Shri Devi Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Shri Ratan Lal Suwalka, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Shri Shyam Lal Chhipa, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)

-----Respondents

S.B. Criminal Appeal (Sb) No. 629/2024

Molana Mohammed Nasir S/o Late Shri Wasil, Aged About 28 Years, R/o Barat Bhoj, P.s. Jahanabad, Dist. Pilibhit (Up) Presently R/o Peshimam Jamamasjid, Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)

-----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Shri Ladu Lal, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Shri Suresh Chand Soni, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
4. Lovekant S/o Shri Balu Ram Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
5. Niraj Sharma S/o Shri Shyam Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj Sharma S/o Shri Shyam Lal Prajapat, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Shri Dwarka Prasad Pancholi, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Shri Udai Lal Hingar, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)



9. Vinod Kumar S/o Shri Devi Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Shri Ratan Lal Suwalka, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Shri Shyam Lal Chhipa, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)

----Respondents

S.B. Criminal Appeal (Sb) No. 630/2024

1. Irfan Mohammed Neelgar S/o Shri Sabir Mohammed, Aged About 32 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)
2. Shokat Ali S/o Shri Ismail Ali, Aged About 45 Years, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.) (Confined In Chittorgarh Jail)

----Appellants

Versus

1. State Of Rajasthan, Through Pp
2. Ratan Lal S/o Shri Ladu Lal, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Shri Suresh Chand Soni, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
4. Lovekant S/o Shri Balu Ram Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
5. Niraj Sharma S/o Shri Shyam Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Shri Shyam Lal Prajapat, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Shri Dwarka Prasad Pancholi, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Shri Udai Lal Hingar, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
9. Vinod Kumar S/o Shri Devi Lal Sharma, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Shri Ratan Lal Suwalka, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Shri Shyam Lal Chhipa, R/o Village Pahuna, P.s. Rashmi, Dist. Chittorgarh (Raj.)



----Respondents

S.B. Criminal Appeal (Sb) No. 670/2024

1. Anwar Mohammed @ Kalu S/o Sh. Kamaludeen @ Pappu Neelgar, Aged About 31 Years, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)
2. Jigroo Mohammed @ Sher Khan S/o Sh. Saleem Mohammed, Aged About 33 Years, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)
3. Saleem Mohammed S/o Sh. Aziz Mohammed Mansoori, Aged About 36 Years, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)
4. Saddam Hussain S/o Sh. Mamur Khan Mewati, Aged About 38 Years, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)

----Appellants

Versus

1. State Of Rajasthan, Through Pp
2. Ratanlal S/o Sh. Ladulal Jeengar, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Sh. Suresh Chandra Soni, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
4. Lavkant S/o Sh. Baluram Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
5. Neeraj Sharma S/o Sh. Shyam Lal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Sh. Shyam Lal Prajapat, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Sh. Dwarka Prasad Pancholi, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Sh. Udailal Hingad, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
9. Viod Kumar S/o Sh. Devilal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)





10. Deepak S/o Sh. Ratanlal Suwalka, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Sh. Shyam Lal Chhipa, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)

----Respondents

S.B. Criminal Appeal (Sb) No. 671/2024

Guljar S/o Chhitar, Aged About 32 Years, R/o Pahuna (Wrongly Written As Pahuncha In The Order Impugned), Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)(Presently Lodged In Dist. Jail, Chittorgarh)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Ratanlal S/o Sh. Ladulal Jeengar, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Sh. Suresh Chandra Soni, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
4. Lavkant S/o Sh. Baluram Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
5. Neeraj Sharma S/o Sh. Shyam Lal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Sh. Shyam Lal Prajapat, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Sh. Dwarka Prasad Pancholi, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Sh. Udailal Hingad, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
9. Viod Kumar S/o Sh. Devilal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Sh. Ratanlal Suwalka, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Sh. Shyam Lal Chhipa, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)

----Respondents

S.B. Criminal Appeal (Sb) No. 672/2024

1. Taheer Mewati S/o Sh. Farooq Mewati, Aged About 32 Years, R/o Pahuna (Wrongly Written As Pahuncha In The



Order Impugned), Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)

2. Sheru Khan S/o Sh. Munshi Khan, Aged About 38 Years, R/o Pahuna (Wrongly Written As Pahuncha In The Order Impugned), Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)
3. Naru Khan S/o Sh. Munshi Khan, Aged About 33 Years, R/o Pahuna (Wrongly Written As Pahuncha In The Order Impugned), Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.) (Presently Lodged In Dist. Jail, Chittorgarh)

----Appellants

Versus

1. State Of Rajasthan, Through Pp
2. Ratanlal S/o Sh. Ladulal Jeengar, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
3. Naveen Kumar S/o Sh. Suresh Chandra Soni, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
4. Lavkant S/o Sh. Baluram Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
5. Neeraj Sharma S/o Sh. Shyam Lal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
6. Devraj S/o Sh. Shyam Lal Prajapat, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
7. Raju S/o Sh. Dwarka Prasad Pancholi, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
8. Vipul S/o Sh. Udailal Hingad, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
9. Viod Kumar S/o Sh. Devilal Sharma, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
10. Deepak S/o Sh. Ratanlal Suwalka, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)
11. Deepak S/o Sh. Shyam Lal Chhipa, R/o Pahuna, Tehsil And Police Station Rashmi, Dist. Chittorgarh (Raj.)

----Respondents



For Appellant(s) : Mr. Vineet Jain, Senior Advocate,
assisted by Mr. Rajeev Bishnoi and Mr.
Praveen Vyas
Mr. Usman Ghani
Mr. Padam Singh Solanki
Mr. D.G. Gaur

For Respondent(s) : Mr. Arun Kumar, AGA
Mr. Deepak Choudhary and Mr.
Shivang Soni, for the complainant



HON'BLE MR. JUSTICE FARJAND ALI

Order

20/05/2024

1. These appeals have been filed under Section 14-A SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.80/2024 registered at the Police Station Rashmi, District Chittorgarh for the offences under Sections 147, 148, 149, 341, 323, 336, 302, 153-A and 295-A of the IPC and Sections 3(1)(r) (s) of the SC/ST Act, being aggrieved by the orders dated 09.04.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Chittorgarh, whereby the applications under Section 439 of the Cr.P.C. filed on behalf of the appellants have been rejected by the trial Court.
2. It is submitted by learned counsel for the appellants that the appellants have falsely been implicated in the present case and they have nothing to do with the alleged offences. it is



submitted that the deceased had received no injuries and the cause of death was heart attack. None of the alleged acts brings the case within the purview of the provisions of the SC/ST Act. The appellants are behind the bars since long. Expeditious culmination of trial is not a seeming fate and no fruitful purpose would be served by keeping them behind the bars. They, therefore, pray that benefit of bail may be granted to the appellants.

3. Per contra, learned learned Public Prosecutor as well as the learned counsel for the complainant have opposed the submissions made by the learned counsel for the appellants. They submit that the appellants alongwith other accused made assault on a peaceful procession with dangerous weapons in a pre-mediated manner. One person died in the incident. Thus, looking to the seriousness of the offences, the appellants do not deserve the benefit of bail.
4. Heard learned counsel for the appellants, learned Public Prosecutor, learned counsel for the complainant and perused the case diary.
5. Prima facie it is revealing that on 19.03.2024 at 09.30 p.m. a religious procession of a particular community was going on and on the way, a clash erupted between them and the people of other community. It was a case of affray or may be a case of hurting of religious sentiments, but it is not discernible as to who among the large number of mob was





responsible for eruption of affray. At the same time, it is also not ascertainable that who caused injuries to the members of the other party. There is no religion of a mob. When a large group of people is alleged to have committed an offence, it becomes very tedious task to make separation between the innocent and the real culprits. Generally when some noise is erupted in a crowded area, several persons gather there, some out of curiosity and some out of fear and some people may presumably come to see what exactly is going on. In such a chaotic situation, some times the real culprits make their escape good, whereas the mere onlookers may be booked. At this stage, it would be unsafe to make any comment regarding the culpability of the appellants. It is highly debatable whether the penal provisions of the SC/ST Act would attract or not and the same would be subject-matter of the trial.

6. I have perused the postmortem report of deceased Shyam Lal Chheepa available on the case diary and it is not revealing any internal or external injuries except one simple abrasion of 1.5 cm. x 0.5 cm. on right knee and the opinion for which is given as simple blunt. Any prudent person can presume that the same could not be the cause of death since no blood was oozing out. There is no opinion of the medical board regarding the cause of death. The viscera of the deceased have been preserved and sent for chemical examination. Probably the cause of death was heart attack or Myocardial infarction.





7. This Court has elaborately dealt with the bail jurisprudence and has passed a detailed order in **Dharmendra vs. State of Rajasthan** (S.B. Criminal Miscellaneous Bail Application No.11530/2023) vide order dated 07.10.2023, the relevant part of the said order is reproduced hereinbelow for the sake of ready reference.

"25. After pondering over the legal provisions made in the code of Criminal Procedure, the law enunciated by Hon'ble the Supreme Court through plethora of judicial pronouncements and upon deliberation of bail jurisprudence, it is understood that the only thing which a court of law is to ascertain while entertaining a bail plea is whether the accused should be allowed to come to the court to attend the judicial proceeding from his home and he may be allowed to remain with his family and within the society on the specific condition that on the stipulated date of the hearing of the case, he will willfully attend the court proceeding or he is such a person that even in the pending trial, he should be detained, should not be allowed to visit his family and should be lodged at a specified place of detention so that on the day of hearing, he may be brought to the court from the jail. In other words, it is to be decided whether he may be allowed to eat, sleep and live with his family like a man ordinarily does or he may be allowed to eat, sleep and live in the jail. It all boils down to this that whether the Court wishes to allow the accused to come to the court to attend the proceedings from his home





upon furnishing his bonds and surety of independent person(s) or the court thinks that he cannot be allowed to roam free and therefore, he should be detained so that he may be brought before the court on the day fixed for the hearing. This Court is of the considered view that this is the only thing which is to be thought over and to be ascertained while entertaining a bail plea. It is a judicially noticeable fact in the present era that due to high volume of pending cases, culmination of trial takes considerable time and in my view, keeping the accused behind the bars during the pendency of the case would serve no purpose except in exceptional circumstances.

26. The entire gamut of bail jurisprudence revolves around the conduct of the accused. Release of a person having bad conduct or a history of bad conduct may be a peril to the society. It is his conduct which brings into the mind of a judicial officer to make an idea that if the accused is released on bail, he may commit the offence again/ repeat the offence again and as such, the same will not be in societal interest. Here, it is to be made clear that such kind of speculation should not be made on vague and bald pleas and aspersions rather there must be some solid material to reach on the above conclusion which means that the speculation should not be vague but should be well-founded.

8. This court would not like to comment on the niceties of the matter at this stage, however, in view of the deliberation and enunciation made in the above order and looking to the fact



that the appellants are in judicial custody since long and early culmination of the trial is not a seeming fate, no fruitful purpose would be served by keeping them behind the bars, in the totality of the facts and circumstances of the case, it is deemed appropriate to grant indulgence of bail to the appellants.

9. Consequently, these appeals are allowed. The impugned orders are set aside. It is ordered that the accused-appellants, named in the cause title, arrested in connection with aforesaid FIR, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs. 50,000/- and two sureties of Rs. 25,000/- each to the satisfaction of the learned trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

(FARJAND ALI),J

746-Pramod/-