

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

S.B. Criminal Miscellaneous Bail Application No. 15770/2024

Hajoor Khan S/o Mushtaq Khan, Aged About 24 Years, R/o
Mokheri ,at Present Barkat Colony Phalodi, Dist Phalodi Raj (At
Present Lodged In Dist Jail Pokaran)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Shahbaz Khan

For Respondent(s) : Mr. Neeraj Kr. Gurjar, GA-cum-AAG

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

06/01/2025

This application for bail under Section 439 Cr.P.C. (483 BNSS) has been filed by the petitioner who has been arrested in connection with F.I.R. No.80/2024, registered at Police Station Phalsund, District Jaisalmer, for offence under Section 305(a) and 331(4) of BNS.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Drawing attention of the Court towards the challan papers, learned counsel for the petitioner submitted that few of the gold and silver ornaments allegedly stolen by the petitioner from the dwelling house of the complainant have already been recovered by the Investigating Agency.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 20.09.2024; the investigation against him has already been concluded; the offences alleged to

have been committed by the present petitioner are triable by Magistrate; and the trial of the case will take sufficiently long time, therefore, the benefit of bail should be granted to the accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed the bail application. However, he was not in a position to refute the facts that the investigation against the petitioner has already been concluded; the offences alleged to have been committed by the present petitioner are triable by Magistrate; so also few of the gold and silver ornaments allegedly stolen by the petitioner from the dwelling house of the complainant have already been recovered by the Investigating Agency.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 439 Cr.P.C. (483 BNSS) is allowed. It is ordered that the accused-petitioner- **Hajoor Khan S/o Mushtaq Khan**, arrested in connection with F.I.R. No.80/2024, registered at Police Station Phalsund, District Jaisalmer, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial Court, for his appearance before that Court on each & every date of hearing and whenever called upon to do so till completion of the trial.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

120-himanshu/-