

ITEM NO.22 Court 2 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).3374/2020

(Arising out of impugned final judgment and order dated 27-01-2020 in SBCRMBA No. 136/2020 passed by the High Court Of Judicature For Rajasthan At Jaipur)

SHAHVAZ HUSSAIN @ SHAHBAZ AHMED @ SHANU Petitioner(s)  
VERSUS

THE STATE OF RAJASTHAN Respondent(s)

(FOR ADMISSION and I.R. and IA No.67746/2020-EXEMPTION FROM FILING O.T. and IA No.67749/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR  
Mr. Aarif Ali Khan, Adv.  
Mr. Rizwan Ahmad Durrani, Adv.  
Mr. Mujahid Ahmad, Adv.  
Mr. Danish Sher Khan, Adv.

For Respondent(s) Mr. M. S. Singhvi, Advocate General  
Mr. Vidhan Vyas, Adv.  
Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Court is convened through Video Conferencing.

This petition is directed against order dated 27.01.2020 passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Miscellaneous Bail Application No. 136 of 2020 whereby the High Court dismissed the bail application filed by the petitioner herein in connection with Session Case No.13/2019, arising out of FIR No.70/2019, registered at Police Station Lalkothi, District Jaipur, Rajasthan for the offence(s) under Section(s) 147, 333 and 353 of the Indian Penal Code.

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Heard learned counsel appearing on behalf of the petitioner as also the learned Advocate General appearing on behalf of the respondent - State and carefully perused the material placed on record.

The allegations against the petitioner is that while opposing the search being conducted by the jail authorities, he along with other inmates, assaulted the jail staff on 30<sup>th</sup> March, 2019. The petitioner while refuting these allegations, alleges that he was given merciless beatings by the jail authorities which is self-evident from the Medical Report dated 6<sup>th</sup> April, 2019 (Annexure P-4).

Taking into consideration the peculiar facts and circumstances of the instant case, and particularly the fact that the petitioner has suffered 11 injuries while in custody, we think it is a fit case to grant him bail.

The petitioner is, accordingly, directed to be enlarged on bail in Session Case No.13/2019, arising out of FIR No.70/2019, registered at Police Station Lalkothi, District Jaipur, Rajasthan, on such terms and conditions to be imposed by the trial court.

Learned counsel for the petitioner further submits that the petitioner had made a complaint to the Judicial Magistrate in respect of the 11 injuries suffered by him while in custody and pursuant thereto an inquiry was ordered. However, the fate of the inquiry is not known. Learned Advocate General, on the other hand, states that the complaint was investigated by the Police and a report has been submitted to the Learned Magistrate.

Be that as it may, in view of the nature of allegations made by the petitioner against the jail authorities, even though a report is said to have been submitted to the Magistrate by the Police, we direct the State Government to conduct a fact finding inquiry by a Senior IAS Officer of the State cadre and take appropriate action against the jail/police officers/officials who will be found guilty in such inquiry.

The special leave petition stands disposed of accordingly.

As a sequel to the above, pending interlocutory applications also stand disposed of.

**(SATISH KUMAR YADAV)**  
**DEPUTY REGISTRAR**

**(RAJ RANI NEGI)**  
**DEPUTY REGISTRAR**