

- (c) The acquittal judgment of ATC speaks that the case against the applicants is doubtful as such benefit of doubt was extended to the applicants.
- (d) No doubt the applicants are involved in a heinous offence but since the companion case failed after trial as such there remains no reason to keep the applicant in Jail.
- (e) It is pertinent to mention that after arrest the recoveries have been effected from the applicants and investigation is completed, as such their jail custody will not be beneficial for the prosecution.
- (f) The applicants are continuously in custody since their arrest, and complainant present in Court has not made any complaint against the applicants, besides refusing bail will amount to punishment in advance.

3. In view of the above observation, I am of considered opinion that a case of bail has been made out. Hence, the applicants are admitted to bail subject to furnishing solvent surety of Rs. 1,00,000/- (One hundred thousand) each only and P.R. bond in the like amount up to the entire satisfaction of the trial Court through a short order dated 12-07-2019 and these are the reasons for the same.

4. Before parting, I would like to make it clear that if the applicants after confirmation of pre-arrest bail will not appear before the trial Court and the trial Court is satisfied that the applicants become absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicants and their surety including cancellation of bail without making a reference to this Court.

5. I would like to make it clear that the above observations are purely tentative in nature, and the same are only meant for the purpose of disposal of instant pre-arrest bail application and would have no bearing on either party's case during trial.

Dated: _____

J U D G E