
(2017) 05 RAJ CK 0063
In the Rajasthan High Court
Case No : 3993 of 2017

Chuna Ram S/o Farsa Ram	Vs	APPELLANT
The State of Rajasthan		RESPONDENT

Date of Decision : 12-05-2017

Acts Referred:

Code of Criminal Procedure, 1973, Section 439 - Special powers of High Court or Court of Session regarding bail
Indian Penal Code, 1860, Section 498A, <a href=1767-304

Citation : (2017) 05 RAJ CK 0063

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Rajiv Bishnoi, AS Rathore, Rameshwar? Prasad, Pooranmal, Balaji

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioner who is in custody in connection with F.I.R. No.133/2016, registered at Police Station Shri Balaji for the offences under Sections 498A and 304B IPC.
3. Mr.Rameshwar Prasad, RPS, was C.O., Nagaur when the FIR dated 16.10.2016 of the case at hand was lodged. He submitted a factual report dated 8.11.2016 in the trial Court concluding that after evaluating the entire evidence available on record, it came to light that Muklawa of the deceased Chaini Devi with the petitioner was solemnised on 9.4.2016. The deceased went to the

matrimonial home only on 3-4 occasions after the Muklawa and stayed there for a maximum period of about one month. She was not desirous of establishing consensual relations with her husband and thus, used to avoid him on one pretext or the other. On the day of occurrence, the petitioner husband and the deceased were alone in the house. The petitioner asked the deceased to serve the food on which she again an excuse that she would serve food after offering prayers. The petitioner became annoyed and scolded her. On this, the deceased became enraged, went out and jumped into a water tank and committed suicide. The I.O. specifically concluded as below :-

"VERNACULAR MATTER OMITTED"

4. The subsequent I.O., however, filed a charge-sheet with the conclusion that the accused demanded dowry from the deceased soon before her death and that is why she committed suicide.

5. There is merit in the argument advanced by learned counsel for the petitioner that the conclusion as drawn in the subsequent investigation is totally conjectural. The I.O. intentionally recorded the subsequent exaggerated statements of the witnesses for reaching to this conclusion. He thus, urges that the petitioner deserves to be released on bail.

6. Learned P.O. and the two I.Os. present in Court state that there is nothing on record to question the initial conclusion (reproduced above) drawn by the I.O. which was based on thorough investigation whereas the later conclusion is based on exaggerated subsequent version of the witnesses.

7. In this background and having regard to the facts and circumstances available on record but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner deserves to be released on bail.

8. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Chuna Ram arrested in connection with the F.I.R. No.133/2016, registered at Police Station Shri Balaji shall be released on bail provided he furnishes a personal bond of Rs.50,000/- and two surety bonds 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.