
(2018) 11 RAJ CK 0056
In the Rajasthan High Court
Case No : Criminal Misc. Bail No. 8338 Of 2018

Dariya W/o Bhagga Ram @ Bhagat Singh	APPELLANT
Vs	
State of Rajasthan	RESPONDENT

Date of Decision : 28-11-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 201, 302, 365
Code of Criminal Procedure, 1973 — Section 439

Citation : (2018) 11 RAJ CK 0056

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : M.S. Godara, Ashok Upadhayay

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.42/2018 of Police Station Rohat, Distt. Pali for the offences punishable under Sections 365, 302 and

201/120-B IPC. She has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that as per the prosecution story, the petitioner along with co-accused persons namely Rasool Khan,

Mahipal and Vakil Khan hatched conspiracy to murder her husband "Bhagga Ram. It is submitted that as a matter of fact, on 18.10.2016, a missing

person report was lodged by the brother of the deceased at Police Station Rohat, Distt. Pali, however, thereafter on 24.2.2018, FIR was lodged by the

brother of the deceased at Police Station Rohit, Distt. Pali wherein, he has alleged that in Oct. 2016 Rasool Khan, Vakil Khan and Mahipal might have

abducted his brother and done something wrong with him.

The police after thorough investigation into the matter has filed charge-sheet against co-accused Rasool Khan, Mahipal, Vakil Khan and the present petitioner for the offences punishable under Sections 365, 302 and 201/120-B IPC.

Learned counsel for the petitioner has submitted that there is no evidence available on record against the petitioner to connect her with the commission of crime except the call details which suggest that she had conversation with Rasool Khan from 13.10.2016 to 19.10.2016. It is also submitted that the dead body of deceased Bhagga Ram was also recovered at the instance of co-accused Rasool Khan and Mahipal. It is, therefore, submitted that no direct evidence regarding abduction of the deceased or killing him is available against the petitioner. It is also submitted that charge-sheet has been filed in the matter and the petitioner is in judicial custody since long and trial of the case is likely to take time.

Per contra, learned Public Prosecutor has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner â?" Smt.Dariya W/o Bhagga Ram @

Bhagat Singh shall be released on bail in connection with FIR No.42/2018 of Police Station Rohat, Distt. Pali provided she executes a personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.