

(2017) 04 RAJ CK 0029
In the Rajasthan High Court
Case No : 2795 of 2017

Kamlesh S/o Hurji Sarpota Meena

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 06-04-2017

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 306](#) - Abetment of Sudd

Citation : (2017) 04 RAJ CK 0029

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Arun Dadhich, Rajesh Bhati

Final Decision : Allowed

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.294/2016, registered at Police Station Sagwada, District Dungarpur for the offence under Section 306 IPC.
3. The petitioner was married to Smt.Indira about 9 years before the incident. As per the prosecution case, the petitioner was working at Kuwait and transferred significant sum of money to the bank account of Smt.Indira which she consumed. On

coming back, the petitioner asked for the details as to how the money was spent whereupon Smt. Indira became perturbed and ended her own life as also of her son.

4. Learned counsel Shri Dadhich contends that the admitted prosecution allegations do not make out a case of abetment to commit suicide against the petitioner.

5. Learned P.P. vehemently opposes the submissions advanced by the petitioner's counsel.

6. 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.

7. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Kamlesh arrested in connection with the F.I.R. No.294/2016, registered at Police Station Sagwada, District Dungarpur shall be released on bail provided she 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.