

(2010) 07 RAJ CK 0067

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 3097 of 2010

Madan Lal and Another

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 07-07-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 201, 304B, 306, 34, 498A

Citation : (2011) 2 Crimes 112

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Judgement

Mohammad Rafiq, J.—Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

2. Contention of she learned counsel for the petitioners is that evidence that has been collected by the investigating agency clearly revealed that deceased Rina was used to be tortured and harassed by her in-laws. She was forced by them for bringing the ornaments, which in fact were given by them (in-laws) in the marriage, which was retained by her parents when she went to their house. Learned counsel in this connection referred to the statements of the various witnesses.

3. Learned Public Prosecutor has opposed the bail application and has argued that the evidence is also to the effect that father-in-law and mother-in-law i.e. petitioners herein and husband of the deceased used to harass the deceased and they wanted to get rid off her. The death of deceased took place in mysterious circumstances. The police was not informed by the petitioners. nor was any information given by them to the parents about the death of the deceased and she was cremated even before their arrival.

4. Learned counsel for the petitioners" son before the death of deceased. By all the evidence that was collected by the investigating agency, it comes to the conclusion that father-in-law and mother in-law and husband of the deceased

were harassing the deceased for not bringing the ornaments gifted by them on the marriage, which the father of the deceased retained and not returned back. It is contended that the fact about not giving information to the parents of the deceased by itself cannot be sufficient to bring the offence within the purview of Section 304B of IPC. As otherwise also, the case of prosecution is that the deceased committed suicide. Charge-sheet has been filed u/s. 306 IPC and the offence u/s. 304B and 498A is not borne out from whatever evidence the prosecution has collected. For that sole reason, the petitioners cannot be retained behind the bars for a long period. It is contended that the petitioner No. 1 father-in-law of deceased is physically handicapped with both his legs imputed and petitioner No. 2 mother-in-law being aged woman, is entitled to be granted the benefit of Section 439 Cr.P.C.

5. Without expressing any opinion on the merits of this case but taking into consideration all the facts and circumstances of the case. I deem it appropriate to enlarge the petitioners on bail.

6. In the result, this bail application u/s. 439 Cr.P.C. is allowed and it is directed that petitioners (1) Mohanlal s/o. Lala & (2) Dakha Bai w/o. Madanlal shall be released on bail in FIR No. 33/2010, P.S. Lakheri. Distt. Bundi for offence under Sections 498A, 304B, 306 and 201/34 of IPC on each of them furnishes a personal bond in the sum of Rs. 30,000/- together with two sureties in the sum of Rs. 15,000/- each to the satisfaction of the trial Court for their appearance before that court or. all dates of hearing and as and when called upon to do so till conclusion of the trial.