
(2006) 11 RAJ CK 0051

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 5169 of 2006

Manohar (Smt.)

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 03-11-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (2007) 5 RCR(Criminal) 529 : (2007) 1 WLN 392

Hon'ble Judges : G.S. Sarraf, J

Bench : Single Bench

Judgement

G.S. Sarraf, J.—Heard learned Counsel for the applicant, learned Public Prosecutor and Shri Balwada the learned Counsel for the complainant and perused the material made available to me during the arguments.

2. The applicant is a woman aged about 63 years. Learned P.P. admits that the applicant has been interrogated by the Investigating Officer in accordance with the order dated 01.09.2006 of a coordinate bench of this Court. The abortion is alleged to have taken place in December, 2004 whereas the report has been lodged on 27.05.2006. Learned Counsel for the applicant submits that the husband of the complainant filed a petition for divorce on 18.04.2006 and thereafter the report was lodged on 27.05.2006. Learned P.P. does not controvert.

3. After perusing the interrogation memo and after taking into consideration the rival submissions made at the Bar and all the facts and circumstances of the case I deem it just and proper to release the accused applicant on anticipatory bail u/s 438 Cr.P.C.

4. Consequently the I.O./SHO of Police Station Mahila East, Jaipur, is directed that in the event of arrest of the applicant Manohar W/o Raghu Raj Singh in FIR No. 33/2006 she shall be enlarged on bail provided she furnishes a personal bond in the sum of Rs. 25,000/- with one surety bond in the like amount to the satisfaction of the I.O./SHO on the following conditions:

- (i) She shall make herself available for interrogation by Investigating Officer as and when required;
- (ii) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;
- (iii) She shall not leave India without the previous permission of the trial Court.