
(2011) 04 RAJ CK 0039

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 2930 of 2011

Munesh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 13-04-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 109, 366, 376, 498A

Citation : (2011) 04 RAJ CK 0039

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Judgement

Mohammad Rafiq, J.—All these three bail applications arise out of same F.I.R., therefore, same are being decided by this common order.

2. Heard learned Counsel for Petitioners as well as learned Public Prosecutor and perused material made available to me during course of arguments.

3. Contention of learned Counsel for Petitioners is that statement of prosecutrix has not even been believed by prosecution to the extent, her allegation was that she was sold by the family of her husband to someone, who had taken her in a jeep and she ran away from there to come to Police Station Ramganj. It is contended that evidence is there to show that prosecutrix in the past also on several occasions fled from her in-laws" place (Petitioners" place) and that when Harkesh Meena, brother of Petitioner, died on 12.12.2010, the prosecutrix came to Petitioners" place on her own without even informing her parents on 25.12.2010 and thereafter she again disappeared on 11.01.2011. Petitioners lodged a missing report on 12.01.2011 at police station Wazirpur. She on her own appeared before the police station Ramganj at Jaipur on 15.01.2011. The learned Counsel submitted that an entry was made in the "Rojnaamcha Aam" in the police station Ramganj (Jaipur) on the basis of statement made by the prosecutrix where she did not make any allegation of rape against any of Petitioners. The kind of statement which the prosecutrix has given that she was

raped by elder and younger brothers of her husband in presence of her husband and both of them together raped her hardly inspires any confidence. Learned Counsel submitted that the police has mechanically filed challan for offence u/s 376 IPC even against her husband i.e. accused-Petitioner Munesh. The Investigating Agency has concluded that the prosecutrix was exaggerating the matter and therefore part of the story told by her has been discarded by the police itself. Petitioners have no other case previously registered against them and they are in jail since 16.01.2011.

4. Learned Public Prosecutor opposed the bail application.

5. After considering all the facts and circumstances of the case and without expressing any opinion on its merits and demerits, I deem it just and proper to release the accused-Petitioners, namely, (1) Munesh Son of Gordhan, (2) Prithvi Raj Son of Gordhan and (3) Rajesh Son of Gordhan (all residents of Village Khandip, Police Station Wazirpur, District Sawai Madhopur (presently confined in District Jail Gangapur City, District Sawai Madhopur) on bail u/s 439 Cr.P.C., in FIR No. 17/2011, Police Station Wazirpur, District Sawai Madhopur, for offence under Sections 498A, 376, 366, 109 IPC, provided each of them furnishes a personal bond in the sum of Rs. 30,000/with two sureties of Rs. 15000/- each to the satisfaction of the trial court for their appearance on all subsequent dates of hearing and as and when called upon to do so.

6. All three bail applications stand disposed of.