

(2016) 02 RAJ CK 0119

In the Rajasthan High Court

Case No : Cr. Misc. Bail Application No. 10563 of 2015.

Rewant Ram @ Rewant Prakash and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 01-02-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 323, 354, 406, 498A, 511

Citation : (2016) 1 WLCRajUC 668

Hon'ble Judges : Vijay Bishnoi, J.

Bench : Single Bench

Advocate : Muktesh Maheshwari, Advocate, for the Appellant; A.S. Rathore, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Vijay Bishnoi, J. - Heard learned counsel for the petitioners as well as learned Public Prosecutor assisted by learned counsel for the complainant and also perused the material on record.

2. The petitioners apprehend their arrest in connection with FIR No.163/2015 of Police Station, Mahila Thana, District Jodhpur East for the offences punishable under Sections 498-A, 406, 323 and 354/511 IPC.

3. Learned counsel for the petitioners has submitted that prior to filing of FIR No.163/2015 at Police Station, Mahila Thana, District Jodhpur East for the offences punishable under Sections 498-A, 406, 323, 354/511 IPC, the complainant had already filed divorce petition under Section 13 of the Hindu Marriage Act before the Family Court, Jodhpur and when the house-band of the complainant i.e. petitioner ? Jagdish has refused to give divorce to the complainant and showing his willingness to contest the divorce petition, the complainant has lodged this false FIR against the petitioners. It is submitted that the conciliation proceeding between the complainant and the petitioner ? Jagdish has also been failed on account of adamancy of the complainant to give divorce

to the petitioner ? Jagdish. It is also submitted that the dowry articles have already been handed-over to the Investigating Officer on 18.12.2015 and the same have also been received by the complainant and, therefore, there is no need to custodial interrogation of the petitioners.

4. Learned Public Prosecutor as well as learned counsel for the complainant have opposed the bail application. Learned Public Prosecutor has submitted that all the dowry articles and stridhan of the complainant have not been returned till date.

5. Having regard to the totality of the facts and circumstances of the case and after taking into consideration the receipt, produced on record by the petitioners, wherein the complainant has acknowledged the receipt of as many as 22 articles, without expressing any opinion on the merits of the case, I deem it just and proper to grant anticipatory bail to the accused petitioners under Section 438 Cr.P.C.

6. Accordingly, this bail application under Section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of the petitioners ? Rewant Ram @ Rewant Prakash S/o Panna Ram, Smt. Seeta Devi W/o Rewant Ram @ Rewant Prakash, Om Prakash S/o Rewant Ram @ Rewant Prakash, Sunil Kumar S/o Rewant Ram @ Rewant Prakash, Pushpendra S/o Mehtab Ram and Jagdish S/o Rewat Ram in FIR No.163/2015 of Police Station, Mahila Thana, District Jodhpur East, they shall be enlarged on bail provided each of them furnishes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of the concerned I.O./S.H.O. on the following conditions:-

(i) They shall make themselves available for interrogation by Investigating Officer as and when required;

(ii) They 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) They shall not leave India without the previous permission of the Court.