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**(2008) 08 J&K CK 0006**  
**In the Jammu And Kashmir High Court**  
**Case No : BA No. 48 Of 2008**

Sanjeev Kumar Sharma

APPELLANT

Vs

State Through S.P., CBI

RESPONDENT

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**Date of Decision :** 13-08-2008

**Acts Referred:**

Ranbir Penal Code, 1989 — Section 306

**Citation :** (2009) JKJ 506 Supp

**Hon'ble Judges :** Virender Singh, J

**Bench :** Single Bench

**Advocate :** Navneet Dubey , M.A.Goni, Ajay Singh, Advocates appearing for the Parties

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## Judgement

Virender Singh, J.—TKrough the instant petition, petitioner, Sanjeev Kumar Sharma, who is presently lodged in District Jail, (Jammu) is

praying for the concession of regular bail in case FIR No. 105/2003 registered at Police Station, Nowabad (Jammu), initially under Sections

498A/302 read with 120B RFC, but subsequently altered to Section 306 RPC, when handled by Central Bureau of Investigation (for short

referred to as CBI).

2. Since the case on hand has peculiar facts, therefore, it calls for somewhat lengthy flash back.

3. Romika Sharma is the deceased in this case, who married to the petitioner on 10th of February, 2003. She died an unnatural death on 14th of

July, 2003, at Kathmandu (Nepal) when she was staying with her husband. At that time, parents of the petitioner, namely, Mr. Kewal Sharma and

Smt Dwarka Sharma, (arrayed as coaccused) were also staying with their son. X/ police report in writing came to be registered with District Police

Office, Kathmandu, at the instance of Mrs. Anuradha Sharma wife of Narender Sharma, mother of the deceased, who reached there after getting the information of death. She alleged that at the time of marriage of their daughter, they had spent about Rs. 2,50,000 along with the gold of Rs.60,000. After the marriage, their daughter had come to Kathmandu on 14th of February, 2003, as the petitioner during that period was employed there. She stayed there for some time and left for Jammu in the second week of March, 2003, as she had to appear in the B.Ed, examination. During those days, she stayed with them and also with her parentsinlaw for,about three months. During her stay, they (Inlaws) used to torture her on petty issues including like eating matters or even on her study hours. She after some time had expressed her desire to go to Kathmandu to stay with her husband and requested her parentsinlaw for the same but they were not in favour of sending her to Kathmandu and forced her to live with them only. However, Rakesh Sharma, brother of the girl, took her to Delhi from where she left for Kathmandu by air and reached there on 9th of June, 2003. Subsequently, the parents of the petitioner also reached Kathmandu on 5th of July, 2003. After their arrival, they again started torturing her and used to abuse her also. It is then alleged that Romika used to telephone her parents about this all but they had been pacifying her. On 13th of July, 2003 (day of her birth), she contacted her parents and told them that they were celebrating her birthday in India but inlaws were celebrating her death day. At that time, she was upset and on 14th July, 2003, at 7.30 a.m., the petitioner informed that Romika had died after falling from the roof. Her inlaws were asked not to cremate the dead body at Kathmandu and ultimately the cremation was got stopped through Indian Embassy. Thereafter, the parents of the girl reached there and at that time the dead body was still in the hospital, which was subsequently put to autopsy. Primarily, on these allegations, the report was lodged by the mother of the deceased which resulted in to registration of FIR at Kathmandu and Nepal police started investigation.

4. Since the complainant side was not happy with the investigation being conducted by concerned Police of Nepal, one Shri Davinder Kumar

Sharma S/o Lok Nath Sharma R/o Jammu and real uncle of the deceased (elder brother of father of the deceased) filed a private complaint in the

Court of Chief Judicial Magistrate, Jammu for registration of the case against the petitioner and his parents in India, which was forwarded under Section 156 (3) Cr.P.C. to the Police Station, Nowabad, Jammu, pursuant to which, the present FIR (No. 105/03) was registered. The petitioner is now seeking bail in it only, copy thereof (in English version) is annexed as AnnexureD, the gist of which is that at the time of marriage, as per the demand of the inlaws of Romika (since deceased), everything was given to them, but despite this all they started making demand for more dowry as they were not satisfied. It is then alleged that, they used to torture 'Romika physically and tease and taunt her for bringing less dowry. During her stay in India, Romika was subjected to torture by her inlaws for not bringing dowry to their satisfaction and demand for Maruti car was raised. It is then alleged that when Romika went to Nepal and stayed with her husband, the same demand again surfaced and she was told that in case she did not bring car, her life would be miserable, upon which the father of the deceased booked a Maruti car on 1.7.2003 with Shaurya Motors, 13B/C, Gandhi Nagar, Jammu and paid an advance of Rs. 15,000 in cash. The demand, however, got intensified after the parents of the petitioner reached Nepal in first week of July, 2003. The deceased sent a email to her parents to Jammu that they will not let her live (attached with the complaint). It is then alleged that as the demand of car was intensified, the father of the deceased deposited an amount of Rs.1,73,913 with the aforesaid Company on 8.7.2003 for immediate delivery of the said vehicle. It is then alleged that incidentally on 10.7.2003, while the deceased was adjusting the documents of her husband in order, she saw one letter and a photograph of a girl and after going through the contents of that letter, she came to know that her husband had some love affair with that girl. When she asked her husband about said affair, she was given thrashing. The parents of the petitioner also manhandled the deceased and directed her to stay away from the private life of their son (petitioner). The complainant then describes the incident of 13th of July, 2003 in the same manner, as narrated by the mother of the deceased in her report with Kathmandu Police and the fact that thereafter the accused side tried to dispose of the dead body of the deceased. He then doubts the investigation conducted by Nepal Police as the petitioner had managed to manipulate the investigation by exerting pressure on it.

5. It needs to be mentioned here that investigation of this case was taken over by CBI on 2nd of June, 2004 and the challan was filed by it before

the Court concerned on 3rd of December, 2006. The case now stands committed to the Court of Principal Sessions Judge, Jammu and is at the stage of consideration on charge.

6. Admittedly, the parents of the petitioner are on regular bail and the petitioner has been arrested pursuant to the order dated 21.5.2007 whereby

nonbailable warrants of arrest were issued against him on an application moved by CBI. He is shown to have been arrested on 28.4.2008 from

Jammu itself and was produced before the Court (Chief Judicial Magistrate, Jammu) on 29.4.2008 from where he was remanded to judicial custody.

7. The petitioner and his coaccused (parents) had earlier filed a petition bearing No. 35/2004 for quashing of the present FIR on the ground of

territorial jurisdiction, asserting that the registration of present FIR was outside the territorial jurisdiction, as the offence was committed at

Kathmandu. Even otherwise, two FIRs for the same offence could not simultaneously continue and, therefore, the second FIR registered in India

(present FIR) deserved to be quashed. The said petition, ultimately, came to be dismissed by this Court vide order dated 6th of June 2005, copy

thereof has been annexed as AnnexureC. Aggrieved of the said order, the petitioners moved Hon'ble Supreme Court vide Special Leave to

Appeal (Cri) No. 3995/2005 in which, while issuing notice, further proceedings before the trial Court were ordered to be stayed till further orders,

as is evident from order (AnnexureD). Ultimately, the said SLP came to be disposed of on 9.4.2007 vide order AnnexureE on the basis of the

statement made by CBI that the final report had already been submitted after completion of the investigation. Consequently, it was observed by

Apex Court that if an order is passed by the Court upon the final report submitted by CBI and the petitioners, if feel aggrieved thereupon, they

may move the High Court and if such a petition is moved before the High Court, the same shall be considered on its own merits without being

prejudiced by any observation in the impugned order earlier passed (order dated 6.6.2005 passed by this Court).

8. Since the learned Chief Judicial Magistrate, after the filing of the final report

by CBI and disposal of the aforesaid SLP by Apex Court, took cognizance of the matter and issued warrants of arrest against the petitioner and his parents, another petition bearing number 561A Cr. P.C.

No.110/2007, was filed for quashing of the present FIR and the investigation conducted thereon. This Court vide order dated 1.10.2007, issued

notice of motion to the respondents, which include the complainant also. Meanwhile, trial Court records were also called for. The said petition is

still pending in this Court for adjudication. However, the trial Court records have already been received and tagged with the said petition.

Meanwhile, the petitioner was arrested on 28.4.2008. He moved his bail application No. 33/2008 straightaway before this Court on the ground

that the entire record has already been summoned by this Court in the aforesaid quashing petition and, therefore, his bail application may also be

entertained here only. This Court, however, vide order dated 8.5.2008, without disposing of the said petition on merits, sent the petitioner back to

the Court concerned at the first instance only for the same relief with a direction to the Registrar Judicial of this Court to send the trial Court

record. The petitioner thereafter moved learned Chief Judicial Magistrate, Jammu, and ultimately his application came to be dismissed vide

impugned order dated 26.5.2008 (AnnexureH). Hence this petition.

9. Mr. Goni, at the very outset, submits on the aspect of entertaining of the application by CJM, an objection was raised by the respondent CBI on

the ground that the case has already been committed to the Court of Principal Sessions Judge, Jammu, and, therefore, the proper forum would be

that Court only, but the same was repelled and ultimately it was heard. According to him, otherwise also, legally there was no bar in entertaining

the said application by the Chief Judicial Magistrate, as the case at that stage had been converted to Section 306 RFC, where the maximum

punishment is ten years. Learned CJM has also taken care of this legal aspect in his order. Mr. Dubey does not controvert this legal aspect.

10. Mr. Goni then submits that after the rejection of the bail by the learned Chief Judicial Magistrate, no doubt, he could approach the Court of

learned Principal Sessions Judge, Jammu, but he has deliberately not availed that opportunity, may be that it goes to his disadvantage as he is losing

one forum. But the reason for that is that the entire Police record in the shape of

final report is already before this Court in aforesaid petition for quashing (561A Cr.P.C. No.110/2007) and has to be remitted to the Court concerned in the event of the bail application being filed there.

Therefore, CBI, at least, should not have any objection to the instant petition being filed by the petitioner straightaway before this Court. Mr.

Dubey fairly states that he has no objection, if the instant petition is heard by this Court and disposed of on merits.

11. On merits, Mr. Goni submits that may be after the disposal of the aforesaid Special Leave Petition by Hon'ble Supreme Court on 9.4.2007,

Learned Chief Judicial Magistrate, Jammu had initiated the proceedings of the case and on an application moved by the prosecution agency (CBI),

and issued warrants of arrests to secure the presence of all the accused including the petitioner, CBI should have informed the Court of the order

passed in aforesaid quashing petition (No. 110/2003). He submits that no doubt, in the quashing petition, while issuing notice of motion, this Court

has not stayed the proceedings in specific terms, but by calling the requisite record virtually amounted to stay. Carrying this very impression the

petitioner, who had gone to New Zealand on a job visa thought in his wisdom that till the petition is decided finally, he would not be arrested.

However, CBI was bent upon to arrest him and, therefore, he came back from New Zealand to Nepal and from Nepal to India on 22.4.2008 and

ultimately appeared before CBI on 28.4.2008. According to Mr. Goni, had CBI disclosed before CJM, Jammu about the pendency of the

aforesaid quashing petition, the learned Judge would have not continued with the execution of warrants of arrest to secure the presence of the

petitioner. According to learned counsel, this is the reason that the earlier also an application for bail was filed before this Court, as according to

the petitioner technically no Us was pending before the trial Court and his custody was illegal. In order to strengthen his view point, Mr. Goni has

irawn my attention to the short orders zimni orders) passed by the trial Court from the record attached with the quashing petition and to the date of

filing of the quashing petition.

12. Mr. Goni now takes the present case on legal aspect also stating that the present FIR should not have been registered at all at Jammu (India),

as the offence was allegedly committed at Kathmandu (Nepal), where another

FIR No. 1774 dated 16.7.2003 was already registered and the present FIR has been registered during the pendency of the said FIR. Therefore, it deserves to be quashed in the light of the law settled by Apex Court in case T.T. Antony v. State of Kerala, AIR 2001 SC 2637. The petitioner and his coaccused for the same purpose have already knocked at the door of this Court by filing the aforesaid petition (561A Cr. PC No. 110/2007) in which notice has already been issued. According to Mr. Goni, in the event of quashing of present FIR, the incarceration of the petitioner would be unjustified. This legal flaw also entitles the petitioner to the concession of bail.

13. Mr. Goni then submits that if one goes by the impugned order, it appears that the bail application has been declined primarily on the ground that the petitioner did not make himself available to the Investigating Agency for answering certain queries and managed to leave for New Zealand on Tourist Permit and thereafter extended his stay also. Mr. Goni controverts that this factual aspect calling it incorrect. According to him, if the petitioner had no intention to surrender himself before the CBI, he could very well stay at Nepal itself after he left New Zealand, thus he could evade his arrest for a considerable period. Whereas on the other hand, he on his own came to Jammu (India) from Nepal in the third week of April, 2008 from where he was formally arrested on 28.4.2008, as is the admitted position.

14. According to Mr. Goni, another fact, which speaks volumes of the bona fide on the part of the petitioner is that during the pendency of the aforesaid quashing petition (561A Cr. PC No. 110/2007), when he came to know that warrants of arrest have been issued against him by Chief Judicial Magistrate, Jammu on 21.5.2004, a formal application was moved by his father before this Court seeking direction that the said warrants be withdrawn with a further prayer that CBI should withdraw all the communications addressed to the Passport Office, Jammu or Immigration Department of New Zealand, so that the petitioner is not harassed any further in this case. The plea taken by the petitioner, even in that application was that the warrants of arrest issued against him were nonexistent. According to learned counsel, the petitioner in the said application had informed the Court not only about his stay at New Zealand but also about the

fact of impounding of his passport by CBI. The notice in the said application was accepted by the counsel appearing for CBI in the Court. He, in this regard, has drawn my attention to the application (Cr. MP No.

38/2008) attached with the aforesaid quashing petition and the order dated 17.3.2008 passed thereon.

15. Mr. Goni then submits that even otherwise, there was no justification with CBI to get the passport of the petitioner impounded at his back. No

notice was ever served upon him to explain his position in this regard. He was taken back when asked by Airport Authority to surrender his

passport on 24.4.2005 at the time of flying to Nepal and he did so. The conduct of CBI is to be condemned on this aspect, as it has exceeded its

jurisdiction and was bent upon harassing the petitioner beyond proportion for certain reasons and now wants to take the advantage of its own

wrongs shifting the responsibility on the shoulder of the petitioner of not making himself available with the Investigating Agency. Mr. Goni places on

record the photostat copy of a handwritten document by the petitioner which is admitted to be correct by Mr. Dubey (taken and tagged).

16. To controvert the main allegations visavis demand of dowry and abetment, Mr. Goni submits that, no doubt, the deceased had died an

unnatural death within a short period of marriage, the same cannot be taken against the petitioner so as to say that he had abetted her to commit

suicide falling within the mischief of Section 306 RFC. Even otherwise, whatever is alleged by mother of the deceased, is contrary to what is

alleged by her real uncle in his complaint, which has now turned to be present FIR, in which altogether a new story of alleged demand of dowry in

the shape of Maruti Car, which ultimately persisted up to the stage of death of Romika is coined up. In fact, it was a case of natural death, as on

the fateful day, Romika in routine had gone on the rooftop. It had rained and she incidentally had a fall from there, which resulted into her death.

The police concerned at Nepal was informed of it and even the parents of the deceased were also informed about the incident. Mr. Goni then

submits that initially the present case was registered under Section 302 RFC, but ultimately the challan has been filed under Section 306 RFC.

Therefore, according to the investigating agency itself, it is not a case of murder for which the imprisonment for life or death is provided. At the



most, it is a case, which is debatable on the point of Section 306 RFC. Diluting the offence by the prosecution itself is a ground favourable to the petitioner for the purpose of relief asked for.

17. Mr. Goni lastly submits that the petitioner is an Electronic Engineer by profession and is in custody since long. Admittedly, he is not required for further investigation, as he is in judicial lock up. Even otherwise, the prosecution agency never asked for his police remand in this case. He is not a habitual offender. His passport has already been got impounded and, therefore, the chances of his flying out of India are not there. Even, in the event of granting him bail, he can be put to strict terms and conditions in his bail bond or even heavy surety bonds can be asked for. The trial of the present case is, otherwise, likely to take a considerable time especially when the entire case has already been summoned by this Court in the aforesaid petition for quashing or in the alternative the proceedings might be quashed. Therefore, in this even tuality, further detention of the petitioner is not called for and he deserves the concession of bail.

18. Mr. Goni's contentions are opposed by Mr. Dubey vehemently submitting that a young girl has lost her life within just six months of her marriage. According to him, may be initially, the mother of the deceased was not able to project a case of demand of dowry in so many words and stated about the harassment meted out to her daughter at different occasions, but the uncle of the deceased gave a clear picture based on documentary evidence, projecting it to be a clear case of demand of dowry. According to Mr. Dubey, the prosecution is in possession of all the documentary evidence including the email dated 7th of July, 2003 sent by the deceased to her parents apprising them of the ill treatment being given to her by her inlaws at Kathmandu (Nepal). This all happened few days prior to her unnatural death.

19. Mr. Dubey then contends that simply that the parents of the petitioner have been granted the concession of regular bail by the Court concerned, it does not give clean chit to the petitioner to have the same relief. Altering of case from Section 302 RFC to 306 RFC would also not make any difference. Rather it reflects fair investigation conducted by CBI.

20. Mr. Dubey then submits that the petitioner was playing a game of hide and seek with CBI after the investigation was entrusted to it and virtually

became a chronic absconder and ultimately, flown to New Zealand. CBI was forced to have the help of Interpol in order to nab him. He had left

New Zealand for Bangkok, Thailand on 18th of April, 2008, but from Bangkok, his travelling movements were unknown. He instead of landing in

India went to Nepal, knowing very well that he could land there very comfortably. According to Mr. Dubey, had he landed in India, all the

agencies concerned were already informed and he would have been arrested very comfortably. Simply that the petitioner had come to India on his

own from Nepal, would not be a ground to show that his conduct was up to the mark and he had no intention to evade his arrest. Mr. Dubey has

placed on record photostat copies of certain documents/communications in support of his aforesaid contentions (taken and tagged).

21. Mr. Dubey then submits that in April, 2005 also, when CBI, for the first time, had gone to Nepal to investigate the matter, the petitioner

managed to get himself admitted in hospital and CBI had to come back without interrogating him directing him to report at Delhi, but he never

reported. According to him, Nepal police was also cooperating with CBI, in the investigation and the present case has been completed after

collecting the possible relevant material from Nepal which includes the P.M.R.

22. Mr. Dubey then submits that the petitioner has even got married to some other lady, who is otherwise Indian but resident of New Zealand and

her name is Sarika daughter of one Suresh Chand. The date of marriage is 21st of August, 2004. Even a child is born out of this wedlock in New

Zealand. This fact came to the notice of CBI at the time of the investigation of the present case. Mr. Dubey thus submits that the conduct of the

petitioner does not entitle him to bail.

23. On the point of territorial jurisdiction, Mr. Dubey submits that the second petition filed by the petitioner and his coaccused at this stage was not

maintainable for the reason that no effective order has been passed by any Court till date and, therefore, the present petition for quashing (561A

Cr.P.C. No. 110/2007) filed by them is premature. He then submits that even otherwise, legally the petitioner and his coaccused can be tried for

the commission of the offence in this State also, which issue is otherwise debatable in the aforesaid petition.

24. On the basis of the aforesaid submission, Mr. Dubey submits that the

petitioner has no case for the concession of regular bail and the same may be dismissed.

25. I am not in agreement with the contentions raised by Mr. Goni with regard to the fact that after the entire records (police challan) were

summoned by this Court in the aforesaid petition for quashing (561A Cr. PC No. 110/2007) filed by the petitioner and his two coaccused, the

warrants of arrest already issued against him would become nonexistent. It is an admitted position that learned Chief Judicial Magistrate issued

warrants of arrest against the petitioner (Nonbailable) and his parents (bailable), after the SLP was disposed of by Hon'ble Supreme Court.

Another admitted position is that the challan was already submitted by CBI. Since the Hon'ble Supreme Court had stayed the entire proceedings in

the Special Leave Petition, CBI could ask for the issuance of warrants against all the three accused only after the disposal of the SLP. The learned

Chief Judicial Magistrate was apprised of the entire facts. The impugned order further reflects that the Court issued only bailable warrants against

the parents of the petitioner because they were resident of Jammu only, whereas the petitioner had already left the country. Calling of the records

by the trial Court, in my view, could not stall the execution of the warrants of arrest issued against the petitioner. Had there been any specific order

in this regard, the situation would have been different. Therefore, the petitioner cannot take any advantage from this plea. At the same time, another

application moved by him (Cr. M.P. No. 35/2008) during the pendency of the quashing petition would also not put him on any advantageous

position as the same has not been adjudicated upon till date. Contention of Mr. Goni that the petitioner was under the impression that by calling the

records, the entire proceedings including the execution of the warrants of arrest were stalled, was undoubtedly a misconceived conception.

26. The other argument of Mr. Goni that the learned trial Court should have stayed away his hands from getting the warrants of arrest executed at

least after the issuance of notice in aforesaid quashing petition, is again of no weightage. Even if CBI had not disclosed the factum of pendency of

the said petition before the learned Chief Judicial Magistrate, it would have not made any difference. As stated above, there was no specific order

for stalling the proceedings. Even otherwise, the petitioner was very well in know

of this fact and if he wanted to derive any advantage out of it, he could apprise the Court of the factum of issuance of notice or calling of the trial Court records. He has chosen not to disclose this fact. Therefore, in my considered view, Mr. Goni cannot derive any advantage on this count as well.

27. At the same time, I am not impressed with the contention raised by Mr. Dubey that the second petition for quashing was not maintainable in its present form being premature. Admitted position is that the said petition is subjudice, in which notice has been issued. CBI has also not shown any grievance against the interim order passed by this Court. Even otherwise, the accused can be said to be aggrieved of the order of issuance of warrants non bailable or bailable, and this can give them the cause of action.

28. Thus, in my view, without entering into more details on the aforesaid controversies, the present bail application needs to be decided as per the gravity of allegations and the conduct of the accused.

29. No doubt, the parents of the petitioner have already been granted concession of regular bail and that the petitioner is stated to be in custody for the last about four months and the fact that the trial is not likely to be concluded at an early date because of the pendency of the aforesaid quashing petition, in which the records have been called for the same cannot be said to be a ground to grant bail to the petitioner. A hail and hearty young girl within six months of her marriage turned into corpse in her matrimonial home. The admitted position is that the petitioner was staying at Kathmandu (Nepal) as he was employed there. His parents had visited him few days prior to the death. He is one who allowed the situation to go haywire. His case, at least, is distinguishable from his parents.

30. No doubt, the explanation tendered by the petitioner with regard to unnatural death of Romika is an accidental fall from the roof top and the Chief Judicial Magistrate had commented upon it saying that there was no question of going for exercise around the water tanks on the roof top, which observation could easily be avoided by the learned Judge at this stage, as it amounts to expression of opinion on one vital aspect of the prosecution case, the fact remains that the petitioner cannot be given any clean chit on the basis of the said explanation at this stage and it needs appreciation of evidence deeply. This exercise has to be left to the trial Court.

This Court, however, cannot lose sight of the fact that there is a specific allegation of demand of a particular item (Maruti Car) for which the documentary evidence is also in the police file. The allegation is that it persisted till Romika died an unnatural death. She also sent an email to her parents' side telling her woeful tale. This, in my view, is prima facie sufficient to say that the case falls within the mischief of Section 306 RFC, so as to decline the concession of bail to the petitioner at this stage. I, however, show my all constraints to express any opinion further on the merits of the case, as it can prejudice either side at the relevant stage of the trial.

31. Another important fact, which goes against the petitioner is his conduct. He, in fact, had been making all efforts to flee from justice. Not only he did not cooperate with CBI, who had gone to Kathmandu to interrogate him, as he got himself admitted in a local hospital projecting some ailment, he also succeeded in fleeing away to New Zealand intentionally knowing that he would create hurdles for CBI in his extradition. Ultimately, CBI used its good offices and was able to see that he leaves New Zealand. However, he again cleverly landed at Nepal. Seeing the conduct of the petitioner, in my view, he is not entitled to the discretionary relief of bail. At the same time, imposition of any stern condition would also be of no consequence in the light of the aforesaid flash back. The Court below, therefore, not only considered the case of the petitioner with regard to the allegations of the case but also observed that the interest of society will better be served in refusing bail to him than granting him the same. The relevant factors with regard to his conduct were also taken into account. I, therefore, do not find any unreasonableness in the said order to give a different view favourable to the petitioner.

32. It is well settled that detailed examination of evidence and elaborate documentation of the merits of the case is to be avoided by the Court while passing an order on bail application, but the Court dealing with bail application should be satisfied as to whether there is a prima facie case or not. Exhaustive exploration of the merits of the case is not necessary. It is also well settled that while dealing with application for bail, the Court is required to exercise its discretion in a judicious manner and not as a matter of course. However, there is need to indicate in the order, reasons for

prima facie concluding as to why the bail is being granted or not. While granting the bail application the nature of accusation and severity of

punishment in the case of conviction and nature of supporting evidence needs to be considered. At the same time, reasonable apprehension of

tampering of the witnesses or apprehension of threat to the complainant or other relevant factors have also to be taken into account. There has to

be a prima facie satisfaction of the Court in support of the charge while dealing with the bail application. I, after considering all the relevant facts

and circumstances of the case on hand, am of the considered view that the petitioner is not entitled to the concession of regular bail.

33. Consequently, the instant petition is dismissed.