
(2022) 02 RAJ CK 0057

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous 4th Bail Application No. 399 Of 2022

Surendra

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 16-02-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 439
Indian Penal Code, 1860 — Section 316, 323, 406, 498A

Citation : (2022) 02 RAJ CK 0057

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Pradeep Kumar Shah, S.K. Bhati, Mahendra Vishnoi

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The present fourth bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R.

No.01/2019, Police Station Tibbi, District Hanumangarh for the offences under Sections 498-A, 406, 323 & 316 of IPC.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioner submits that after the rejection of the third bail application of the petitioner on 19.08.2021, statement of complainant-

Mst. â??Râ?? has been recorded before the trial court as P.W.1. He submits that in the cross-examination of P.W.1, it has come on record that in

the FIR, she has not mentioned about the injuries being inflicted by the petitioner on the stomach resulting into her abortion.

Learned counsel further submits that there are material contradictions in the statement of P.W.1 in the FIR vis-à-vis the statement recorded under

Section 161 Cr.P.C. He also submits that even as per the medical report, the injuries caused were within the duration of 0-6 hours of the medical

examination whereas, the complainant left the matrimonial home almost 72 hours prior to the medical examination. The charge-sheet in the case has

been filed and the petitioner is facing incarceration since 02.06.2020. The conclusion of trial will take sufficiently long time, therefore, he prays that the petitioner may be enlarged on bail.

The learned Public Prosecutor as well as learned counsel for the complainant vehemently oppose the bail application.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the present fourth bail application filed under Section 439 Cr.P.C. is allowed. It is ordered that the accused-petitioner Surendra S/o Sh.

Nihanchand arrested in connection with F.I.R. No.01/2019, Police Station Tibbi, District Hanumangarh shall be released on bail; provided he furnishes

a personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) with two sureties of Rs.25,000/- (Rupees : Twenty Five Thousand Only) each to the

satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.