

(2017) 02 RAJ CK 0087
In the Rajasthan High Court
Case No : 11947 of 2016

Suresh Kumar S/o Vijendra Singh

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 23-02-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail

Citation : (2017) 02 RAJ CK 0087

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Vinod Sharma, Bhati, PP, Dharmendra Surana

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor as well as learned counsel for the complainant. Perused the material available on record.
2. The present 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.160/2015, Police Station Dangiawas, District Jodhpur for the offence under Section 302 IPC.
3. Learned counsel Mr.Sharma representing the petitioner urges that ex-facie the parcha bayan of deceased Smt.Kuki Devi is not credible and believable. In order to buttress this contention, he places reliance on the statement of PW4 Natha Ram, brother of deceased who, upon being examined on oath before the trial Court

admitted that the petitioner being the husband of Smt.Kuki Devi never misbehaved with her. A complaint was made that the deceased was talking to one Ladu Ram and when asked to refrain, she used to threaten that she would commit suicide. Natha Ram and other persons came to the petitioner's village on the day of incident i.e. 19.11.2015 where a Panchayat was called at the instance of the petitioner. The Panchayat asked Smt.Kuki Devi to refrain from talking to Ladu Ram. Just after the witness had left the village of petitioner, he received a call that Smt.Kuki Devi had burnt herself. He urges that in his cross examination, the witness admitted that when the deceased was in the hospital, she told him that Suresh Kumar had insulted her by calling the Panchayat and thus, she felt outraged and poured kerosene and set fire to herself. He thus urged that ex-facie the parcha bayan cannot be believed and the petitioner deserves to be released on bail.

4. Per contra, learned P.P. as well as learned counsel for the complainant oppose the submissions advanced by the petitioner's counsel. Shri Surana, learned counsel for the complainant had no option but to concede that Natha Ram being the brother of the deceased has virtually supported the stand of the accused that the deceased committed suicide on being enraged by the panchayati called at the instance of the petitioner.

5. Expression of any opinion on the merits/demerits of the prosecution case is likely to prejudice the case at the trial but having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Consequently, the bail application is allowed. It is ordered that the accused-petitioner, Suresh Kumar arrested in connection

with F.I.R. No.160/2015, Police Station Dangiawas, District Jodhpur shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- 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.