

(1990) 11 RAJ CK 0032

In the Rajasthan High Court

Case No : Cr.Misc Bail Application No. 2947 of 1990

Vsihnu Dutt Sharma

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 26-11-1990

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (1990) 2 RLW 607 : (1990) 2 WLN 365

Hon'ble Judges : N.L. Tibrewal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

N.L. Tibrewal, J.—Heard learned Counsel for the petitioner and learned Public Prosecutor.

2. I haveread the F.I.R. as well as the statements of Lalsingh and Smt. Billa. The argument of the learned Counsel for the petitioners is that the manner in which the incident is alleged to have taken place, is so on natural and improbable that it cannot be believed. According to him, there might have been some incident of mar-peet, but subsequently, colour has been given to make the case more serious. According to him, it cannot be believed that the petitioner committed rape on Smt. Billa who is on groving up woman, in the presence of her Devar as well as in the presence of the brother of the petitioner. He further submits that the incident is said to have taken place in a field where Bajra Crop was standing and in such a situation, Smt. Billa Would have sustained injuries on the lower part of her body.

3. Without commenting on the merits of the case, but taking into consilcration all the facts and circumstances of the case, I am inclined to grant pre-arrest bail to the petitioner u/s 438 Cr.P.C.

4. Consequently, I allow this application.

5. The SHO/Arresting Officer, Investigating, Officer, Police Station, Sear, Dist. Bharatpur in F.I.R. No. 387/90, is therefore, directed that in the event of arrest of the petitioner Vishnu Dutt Sharma, he be released on bail provided he furnishes a personal bond in the sum; of Rs. 5000/- (Five thousand) with one surety in the like amount to his satisfaction on the following conditions:

(a) That the petitioner shall make himself available for interrogation by a police officer as and when required;

(b) That the petitioner 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 other police officer; and

(c) That the petitioner shall not leave India without the previous permission of the court.