


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 7097/2023

1. Omprakash Sharma Son Of Shri Dhannalal Sharma, Resident Of Kherwal, Police Station Sadar, Dausa District Dausa, Presently Residing At Banskho, Police Station Bassi, Jaipur (East) (Raj.). (At Present Confined In District Jail, Jaipur).
2. Rajesh Kumar Sharma S/o Shri Dhannalal Sharma, Resident Of Kherwal, Police Station Sadar, Dausa District Dausa, Presently Residing At Banskho, Police Station Bassi, Jaipur (East) (Raj.). (At Present Confined In District Jail, Jaipur).
3. Ashok Kumar Son Of Shri Omprakash Sharma, Resident Of Kherwal, Police Station Sadar, Dausa District Dausa, Presently Residing At Banskho, Police Station Bassi, Jaipur (East) (Raj.). (At Present Confined In District Jail, Jaipur).
4. Subhodh Kumar Son Of Shri Omprakash Sharma, Resident Of Kherwal, Police Station Sadar, Dausa District Dausa, Presently Residing At Banskho, Police Station Bassi, Jaipur (East) (Raj.). (At Present Confined In District Jail, Jaipur).

----Petitioners

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Anoop Pareek
For Respondent(s)	:	Mr. Mangal Singh Saini, PP Mr. Bal Ram Vashistha, for the complainant

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN (V.J.)

Order

30/06/2023

1. Petitioners have filed this bail application under Section 439 of Cr.P.C.
2. F.I.R. No.141/2023 was registered at Police Station Bassi,

Jaipur (East) for offences under Sections 143, 323, 341, 307, 504 of IPC and thereafter investigation agency has filed charge-sheet for offences under Sections 306 & 504/34 of IPC.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this matter. He further submits that according to the prosecution case, incident took place on account of dispute with regard to shop of the complainant, which is possessed by the petitioner No.1 as tenant. He further submits that the police has not found the allegation levelled in the FIR correct, however, on account of death of wife of the complainant, the case was converted by the police for the offences under Sections 306, 504/34 of IPC. He further submits that the police has disbelieved the version of the complainant party and filed the charge-sheet on the basis of death of Smt. Pintu Devi for offences under Sections 306, 504/34 of IPC. He further submits that in this case, ingredients of Section 306 are not satisfied, therefore, no case for offence under Section 306 is made out. He further submits that Civil Suit is pending between the petitioners and the complainant before the Civil Court. He further submits that the petitioner are in custody since 27.03.2023 and trial will take considerable time in its conclusion. He thus, prays that instant bail application may kindly be allowed.

4. Learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the bail application and submit that dying declaration of Smt. Pintu Devi was recorded in this matter, wherein, she mentioned that somebody poured petrol on her due to which she got burnt. Therefore, bail should not be

granted.

5. I have considered the contentions.

6. Considering the overall facts and circumstances of the case especially the fact that the charge-sheet has been filed in this matter and the civil suit is pending between the petitioners and the complainant in Civil Court as well as also considering the period of custody, I deem it just proper to allow the bail application under Section 439 Cr.P.C.

7. This bail application is accordingly allowed and it is directed that accused-petitioners shall be released on bail provided they furnish a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the learned Trial Court with the stipulation that they shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

(ANIL KUMAR UPMAN (V.J.)),J