

In the High Court of Judicature for Rajasthan  
at Jaipur Bench, Jaipur

S.B. CRIMINAL MISC. BAIL APPLICATION NO.  
3676/2014  
( Sunder vs State of Raj.)

Date of Order: 30/04/2014

HON'BLE MRS. JUSTICE NISHA GUPTA

Mr.Dhanna Ram for petitioner  
Mr.RS Raghav, Public Prosecutor.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor and perused the material on record.

The contention of the learned counsel for the petitioner is that He is behind the bars since 26.3.2014 and there is no evidence against the present petitioner that he ever abated the deceased to commit suicide. The witness has given affidavit in favour of the petitioner hence he be released on bail.

Per contra, the contention of learned Public Prosecutor is that affidavit could not be relied upon and it suggests that the present petitioner is effecting the witness and reliance has been placed on ***State of Rajasthan Vs. Dr. Rajkumar Agarwal & Anr. AIR 2013 SC 847*** where it has been held:-

“It is risky to encourage the practice of filling affidavits by the witnesses at the stage of investigation or during the court proceedings in serious offences such as offences under the P.C. Act. If such practice is sanctioned by this Court, it would be easy for any influential accused to procure affidavits of witnesses during

investigation or during court proceedings and get the FIR and proceedings quashed. Such a practice would lead to frustrating prosecution of serious cases.”

The further contention is that sister of deceased Rajbala married in the same family has testified the fact that the present petitioner used to torture the deceased and this is the only reason for her death. Investigation is still pending hence he should not be released on bail.

Without expressing any opinion on merits of the case and looking to the above, it is not a fit case to enlarge the petitioner on bail.

Consequently, the bail application is dismissed.

(NISHA GUPTA), J.

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All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Om Prakash  
Sr. PA