

S.B.CRIMINAL MISC. BAIL APPLICATION NO.8411/2014

(Smt. Pappu Devi @ Papuri & Anr. Vs. State of Rajasthan)

Date of order :: 29-10-2014

HON'BLE MS.JUSTICE NIRMALJIT KAUR

Mr. Vinod Sharma, for the petitioners.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. J.S. Choudhary, Sr. Adv. with
Mr. Amardeep Lamba, for the complainant.

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The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.105/2014, Police Station Bhopalgarh, District Jodhpur for the offence under Section 323, 302/34 IPC.

Learned counsel for the petitioners while praying for bail submitted that the petitioner No.1 is the daughter in law and petitioner No.2 is the grand son of the deceased. The Petitioner No.1 who is the daughter in law of the deceased was staying separately from her inlaws due to the harassment meted out to her. Petitioner No.1 was fed up with the conduct of the deceased and was forced to register cases against him on various occasions. Two FIRs No.133/2004 and 93/2012 were registered against him. On the date of the incident also, the deceased tried to stop her from selling the cow dung which was collected by her. The same resulted into a quarrel.

As per the allegation in the FIR, the petitioner No.2 who is the grand son held the hands of the deceased while petitioner

No.1 inflicted 3-4 axe blows on the deceased and as a result of which, he died.

At this stage, learned counsel for the petitioners submitted that he does not wish to press the bail application qua petitioner No.1.

In view of the statement, the bail application qua petitioner No.1 – Smt. Pappu Devi @ Papuri is dismissed as not pressed.

Learned counsel for the State and complainant while opposing the bail submitted that the petitioner No.2 has also participated in the crime.

However, the only allegation against the petitioner No.2 is that he held the hands of the deceased. He did not inflict any injury on the deceased. He is stated to have inflicted injury on his grandmother which is simple in nature.

Taking into account the facts and circumstances of the case, this Court deems it just and proper to release the petitioner no.2 who is the grandson of the deceased on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is partly allowed and it is ordered that the accused-petitioner Neta Ram S/o Oma Ram shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(NIRMALJIT KAUR), J.