

# Jasu Ram @ Jassa Ram vs State Of Rajasthan on 11 June, 2021

**Author: Sandeep Mehta**

**Bench: Sandeep Mehta**

6HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR  
S.B. Criminal Miscellaneous Bail Application No. 5792/2021

Jasu Ram @ Jassa Ram S/o Bhanwaru Ram, Aged About 25  
Years, R/o Ren, Tehsil Merta, Dist. Nagaur Ps Merta Road, Dist.  
Nagaur (Raj.) (Presently Lodged At Sub Jail Merta City, Dist.  
Nagaur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Kuldeep Purohit (through VC)
For Respondent(s)	:	Mr. Farzand Ali, G.A.-cum-A.A.G. Mr. Mohd. Javed Gauri, PP

HON'BLE MR. JUSTICE SANDEEP MEHTA (VACATION JUDGE)

Judgment 11/06/2021 The instant bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in relation to FIR No.41/2020, Police Station Merta Road, District Nagaur for offences under Sections 498-A & 304-B of the IPC.

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

Counsel Shri Kuldeep Purohit representing the petitioner urges that the entire prosecution case is false and fabricated. The petitioner was married to Smt. Kiran about a year before the incident and as per the social custom 'aata saata', the petitioner's sister Smt. Raju Devi was married to Shri Deepa Ram, brother of the deceased. Shri Purohit urges that Smt. Kiran was perturbed by the fact that she was not allowed to go to her father's house as frequently as her sister-in-law Smt. Raju Devi (petitioner's sister) and being frustrated thereby, she ended her life by hanging (2 of 3) [CRLMB-5792/2021] herself in the matrimonial home on 02.5.2020. Shri Purohit further urges that ex-facie, the allegations set out in the prosecution case that the deceased was harrassed and humiliated in the matrimonial home on account of demand of dowry is patently false. The theory put-forth in the FIR that Kiran was poisoned and then strangulated is also incorrect because the opinion regarding the cause of death expressed by the medical board in the postmortem report is asphyxia due to hanging. Shri Purohit drew the Court's attention to the statement of Banshi Ram

(PW.3), brother of the deceased, more particularly his cross-examination, in which the witness admitted that Kiran was living happily in the matrimonial home. He further submits that the prosecution allegations as against the petitioner and the co-accused Bhanwaru Ram and Smt. Supyari @ Sipudi are absolutely identical and as these two co-accused have been granted bail by this Court, the petitioner too deserves same indulgence.

Per contra, learned Public Prosecutor vehemently and fervently opposed the submissions advanced by the petitioner's counsel. However, he too is not in a position to dispute the fact that cross marriages were solemnized i.e., to say the petitioner was married to Kiran whereas Shri Deeparam, brother of Kiran was married to petitioner's sister Smt. Raju Devi. From the tenor of the witnesses examined during the investigation and the sworn testimony of Banshi Ram (PW.3), it is clear that the lady Smt. Raju Devi, sister of the petitioner frequently went to the maternal home and lived there for long durations but Smt. Kiran was not given this liberty and she was quite perturbed thereby. Banshi Ram, brother of the deceased, upon being examined on oath as PW.3 made a general allegation that matrimonial relatives of Kiran used to (3 of 3) [CRLMB-5792/2021] quarrel with her and used to harass her on account of demand of dowry. However, in cross-examination, the witness admitted that Kiran used to live happily in the matrimonial home. These two situations as appearing in the evidence of the witness are totally self-contradictory and cannot be reconciled. The prosecution set up a case in the FIR that Kiran was poisoned and then was strangled. However, as per the postmortem report, the cause of death has been opined to be ante-mortem hanging. The FSL report has been placed on record by learned Public Prosecutor which clearly reflects that the viscera samples gave negative tests for presence of metallic poisons, tranquillizers and insecticides. The co-accused Bhanwaru Ram and Supyari @ Sipudi have been enlarged on bail by this Court.

In this background and having regard to the overall facts and circumstances of the case as available on record, this Court is inclined to extend indulgence of bail to the accused petitioner. Accordingly, the bail application is allowed and it is directed that the accused-petitioner Jasu Ram @ Jassa Ram S/o Shri Bhanwaru Ram arrested in connection with the F.I.R. No.41/2020 registered at Police Station Merta Road, District Nagaur 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.

(SANDEEP MEHTA), VJ 5-Sudhir Asopa/-

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