

Hitesh S/O Sh. Manoj Kumar vs The State Of Rajasthan on 19 July, 2022

Author: Sameer Jain

Bench: Sameer Jain

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 4232/2022

Hitesh S/o Sh. Manoj Kumar, Aged About 36 Years, R/o
Kathumar P.s. Kathumar Distt. Alwar (Rajasthan)

----Applicant

Versus

The State Of Rajasthan, Through Public Prosecutor Raj. High
Court, Jaipur Bench, Jaipur

----Respondent

For Applicant(s) : Mr. Bhunesh Sharma with Mr. Govind Khandelwal For Respondent(s) : Mr. Sher Singh Mehla, PP For Complainant : Mr. Umashanker Pandey HON'BLE MR. JUSTICE SAMEER JAIN Order 19/07/2022

1. The present bail application has been filed under Section 438 Cr.P.C. in connection with FIR No.412/2021 registered at Police Station Kathumar District Alwar for the offence under Sections 498A, 304B IPC.

2. Learned counsel for the applicant submits that vide order dated 16.03.2022 interim bail was granted till next date of hearing. He has further submitted that the second marriage of the deceased with the applicant took place in the year 2016 at time when she was a patient of depression & was undergoing treatment for the same, which is reflected from the record. The applicant, with the deceased and has two children no complaint alleging domestic violence was ever filed prior to the year 2021 by the deceased. Even the first marriage was solemnized in the group (2 of 3) [CRLMB-4232/2022] and social marriage of the society wherein financially deprived person participated.

3. Learned counsel for the complainant has submitted that it is a case of murder and not of suicide. He has further submitted that he is not taking care of children, but the same are in the custody of applicant sister.

4. Learned Public Prosecutor and counsel for the complainant have vehemently opposed the bail application.

5. After hearing the respective sides & considering the records, this Court is of the opinion that the order dated 16.03.2022 whereby interim protection for not arresting was granted should be made absolute, for the reasons that the marriage took place in the year 2016 and until 2021 no case of domestic violence was filed against him. Two children of infant age born out of the wedlock are to be taken care of. The applicant has participated & cooperated in the investigation after the directions of this Court. The victim was under treatment of depression is also reflected through the record. Taking into consideration the above but without expressing any final opinion on the merit and de-merit of the case, I am inclined to grant benefit of anticipatory bail to the accused-applicant.

6. Consequently, the application for anticipatory bail is allowed.

7. The SHO/IO/Arresting Authority, Police Station Kathumar, District Alwar in FIR No.412/2021 is directed that in the event of arrest of the applicant Hitesh S/o Sh. Manoj Kumar he shall be released on bail, provided he furnishes personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to his satisfaction on the following conditions:-

(3 of 3) [CRLMB-4232/2022]

(i) that the applicant shall make himself available for interrogation by a police officer as and when required;

(ii) that the applicant 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 any police officer, and

(iii) that the applicant shall not leave India without previous permission of the court.

(SAMEER JAIN),J Arun/72 Powered by TCPDF (www.tcpdf.org)