

Devendra Singh Shekhawat vs State on 4 November, 2016

Author: Pankaj Bhandari

Bench: Pankaj Bhandari

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. CR.MISC. BAIL APPLICATION NO.9379/2016

PETITIONER

Devendra Singh Shekhawat s/o Shri Surendra Singh
Shekhawat, aged 31 years, resident of The Palms
Apartment, Flat No.16, Plot No.13-B, Dwarka Sector 6,
Dhwarka Doli, New Delhi (South West), New Delhi.

VERSUS

RESPONDENT

State of Rajasthan through Public Prosecutor.

Date of order : 04.11.2016

HON'BLE MR.JUSTICE PANKAJ BHANDARI

Mr.Rajvendra Saraswat for the petitioner.

Mr.K.V.Vyas, PP for the State.

Mr.Khamma Ram, SI, Mahila Thana, Jodhpur (East)
present in person.

Mr.H.S.Inda for the complainant.

<><><>

ORDER

1. The petitioner has moved this anticipatory bail application under Section 438 Cr.P.C.
2. The allegation in this FIR pertains to offences under Sections 498A, 406 and 323 IPC.
3. The contention of counsel for the petitioner is that earlier a proceeding under the Domestic Violence Act was initiated in July 2016 by the complainant, in which the petitioner and his entire family including married sisters and parents were impleaded as party. The petitioner thereafter filed a divorce petition on the ground of cruelty in August, 2016 at Delhi and has also served a notice to the complainant to receive the articles which were with the petitioner at the time when the

complainant left in 2014. It is also contended that the petitioner has joined the investigation.

4. Learned Public Prosecutor as well as counsel for the complainant have opposed the bail application. It is contended by counsel for the complainant that the articles given at the time of marriage have not been returned in toto and many articles are yet to be recovered.

5. I have considered the rival contentions of the parties.

6. Considering the fact that the petitioner has joined the investigation in pursuance of the directions of this Court and the complainant has previously filed a case under the Domestic Violence Act and on similar grounds the present complaint has been filed and the fact that prior to filing of this complaint, the petitioner has moved a divorce petitioner at Delhi, merely because many articles have not been recovered, the anticipatory bail application cannot be rejected as also the fact that the petitioner has already joined the investigation and the present complaint is a repetition of the complaint filed under the Domestic Violence Act, I am inclined to grant anticipatory bail to the present petitioner.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of petitioner Devendra Singh Shekhawat s/o Shri Surendra Singh Shekhawat in connection with C.R. No.149/2016, Police Station Mahila Thana, Jodhpur (East), the petitioner shall be released on bail; provided he furnishes a personal bond in the sum of Rs.50,000/- along with two sureties of Rs.25,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

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

(ii). that the petitioner 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 petitioner shall not leave India without previous permission of the court.

(PANKAJ BHANDARI), J.

skant/-