

Mamta and ors Vs. State

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SooperKanoon Citation : sooperkanoon.com/1137178

Court : Rajasthan Jodhpur

Decided On : Apr-09-2014

Appellant : Mamta and ors

Respondent : State

Judgement :

[1].S.B.CRIMINAL MISC.

BAIL APPLICATION NO.2930/2014 (Mamta & ORS.versus State of Rajasthan)
Date of order : : 09-04-2014 HONBLE MS.JUSTICE NIRMALJIT KAUR
Mr.Mahesh Bora, Sr.Adv.with Mr.Nishant Bora, for the petitioner.

Mr.Ashok Upadhyay, Public Prosecutor.

<><><><> The present bail application has been filed under Section 439 Cr.P.C.The petitioners have been arrested in connection with FIR No.76/2014, Police Station Sagwara for the offence under Section 306 IPC.

Vipin Pandya and Nirmala Devi - wife of the present deceased were having an affair.

Both ran away and got married.

Thereafter, their relationship broke and Nirmala Devi, wife of the present deceased Kanti Lal committed suicide.

After 4-5 months of her death, her husband Kanti Lal also committed suicide.

Accordingly, the present FIR was registered against Vipin Pandya and his entire family with the allegation that the present petitioners were blackmailing him to withdraw the earlier FIR filed in the case of suicide of Nirmala Devi.

Learned counsel for the State while opposing the bail submitted that as per the dying declaration, the present petitioners were forcing him to withdraw the earlier FIR and therefore, he committed suicide on account of said pressure.

Learned counsel for the petitioner on the other hand states [2].that the present deceased Kanti Lal seems to have died on account of the humiliation he suffered because of his wife having run away with Vipin Pandya.

Thereafter, he was depressed on account of her suicide.

The contents of the dying declaration are only an outcome of his own depression.

The petitioners themselves are the aggrieved party as it was the husband of the petitioner No.1 who was having an affair with the wife of the deceased Kanti Lal.

The question of abetment is a matter of evidence to be produced during the trial.

Taking into account the facts and circumstances of the case, this Court deems it just and proper to release the petitioner on bail.

Accordingly, the bail application under Section 439 Cr.P.C.is allowed and it is ordered that the accused-petitioners (1) Mamta W/o Vipin Pandya (2) Nirmala W/o Ramesh Chand Pandya (3) Ramesh Chandra S/o Sakal Chand Pandya shall be enlarged on bail provided they furnish a personal bond in the sum of Rs.50,000/- each with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(NIRMALJIT KAUR).J.

praveen

