

**Badlu Ram Vs. State of Rajasthan**

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**SooperKanoon Citation :** [sooperkanoon.com/772736](http://sooperkanoon.com/772736)

**Court :** Rajasthan

**Decided On :** Feb-08-1988

**Reported in :** 1988(1)WLN562

**Judge :** I.S. Israni, J.

**Appeal No. :** S.B. Cr. Misc. Application No. 218 of 1988

**Appellant :** Badlu Ram

**Respondent :** State of Rajasthan

**Judgement :**

**I.S. Israni, J.**

1. Heard learned Counsel for the petitioner as well as learned Public Prosecutor. I have also perused the order of the trial court.

2. It is contended by the learned Counsel for the accused petitioner Shri Jagdeep Dhankar that a FIR No. 12/6 was lodged on 10-1-1986 by one Mangi Ram regarding death of his daughter married to Kartar son of the petitioner. She died on December 30th, 1985. After investigation the police filed a challan against Mst. Banarsi Devi mother-in-law of the deceased Mst. Bhaggo under Section 398, IPC in the month of November, 1986. It is given out that after the recording of the statements of some witnesses, the trial court has issued non-bailable warrant after

taking cognizance of matter under Section 319, Cr.PC for offence under Section 302, IPC.

3. The contention of learned Public Prosecutor Shri O.P. Sharma is that the discretion regarding issue of non-bailable warrant exercised by the trial court does not call for any interference.

4. In the facts and circumstances, I am persuaded to grant indulgence of the provisions of Section 438, Cr.PC to the petitioner provided he furnishes a personal bond in the sum of Rs 5000/-, with one surety in the like amount to the satisfaction of the learned Additional Munsif and Judicial Magistrate, Kishangarh Bas on the following conditions:

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

(2) 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 to any police officer;

(3) that the petitioners shall not leave India without the previous permission of the Court.