

Hansraj Parihar and anr Vs. State

Hansraj Parihar and anr Vs. State

SooperKanoon Citation : sooperkanoon.com/973391

Court : Rajasthan Jodhpur

Decided On : Dec-19-2012

Appellant : Hansraj Parihar and anr

Respondent : State

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
ORDER S.B.CRIMINAL MISC. BAIL APPLICATION NO.8191/2012 Hansraj
Parihar & Anr. Vs. State of Raj. Date of order :

19. h December, 2012 HON'BLE MR. JUSTICE SANDEEP MEHTA Mr.Dhirendra Singh, for the petitioners. Mr.Anil Joshi, P.P. Mr.MK Trivedi, for the complainant. <><><> This anticipatory bail application has been filed by the petitioners apprehending their arrest in connection with F.I.R. No.254/2012 registered at Jodhpur Women Police Station, Jodhpur for the offences under Sections 498A, 406 and 323 IPC. Learned counsel for the petitioners contended that the petitioners are father-in-law and mother-in-law respectively of the complainant. He submitted that the complainant Kalpana was married to Ajay Kumar, son of the petitioners on 7.2.2003 and thereafter, she hardly stayed with the petitioners for a small period of time. He contended that it is the complainant who has deserted her husband and is living at Jodhpur with her father without any justification. He further contended that as per the specific allegation of the complainant in the FIR, the principal allegations of cruelty etc. 2 have been levelled against the husband. He further contended that none of the dowry articles of the complainant have been

entrusted to the petitioners and, therefore, ex-facie, there is no justification for permitting arrest of the petitioners in this case. He thus prayed that the petitioners deserve to be granted anticipatory bail. Learned Public Prosecutor as well as learned counsel for the complainant on the other hand have vehemently opposed the submissions raised on behalf of the petitioners. They submitted that the complainant was harassed by the petitioners as well as co-accused Ajay Kumar after her marriage on count of dowry and as the dowry articles of the complainant are yet to be recovered, the petitioners do not deserve to be granted pre-arrest bail. Heard and considered the arguments advanced at the bar and perused the case diary. Upon a perusal of the case diary, particularly, the statement of the complainant recorded under Section 161 Cr.P.C., it becomes apparent that the complainant's principal allegation of cruelty has been levelled against her husband. The complainant admittedly left the house of the petitioners way back in the year 2005/2006 and started living at Jodhpur where she completed her B.Ed. course. The complainant has alleged that in April, 2011, because of death of her brother-in-law Sanjay, she went to Palanpur and stayed at her marital home. The complainant further alleged that her husband left 3 the job of M.R. and started residing at Palanpur and was doing the business of cosmetics. The complainant further alleged that she stayed at Palanpur with her inlaws and her husband from April, 2011 but the demand of accused persisted. The complainant also alleged that on 24.8.2012, the petitioners i.e. her father-in-law and mother-in-law came to Jodhpur and demanded dowry from her mother and on 5.9.2012, she was allegedly harassed by the accused persons for demand of Rs.10 lakhs. In the opinion of this Court, any opinion on the veracity of the prosecution allegations is likely to prejudice the prosecution case but the fact that the complainant admittedly stayed with her father between 2005 to 2011 at Jodhpur and pursued her higher studies while living there and the fact that after that also, she has of her own gone back to Palanpur and there, she stayed with the petitioners and her husband, this Court feels that ex-facie the dispute appears to be of a marital rift between the husband and wife. The complainant in her statement under Section 161 Cr.P.C. has not alleged that she entrusted any of her dowry articles to the petitioners. In this view of the matter, this Court is of the opinion that it is a fit case for grant of pre-arrest bail to the petitioners. Accordingly, this anticipatory bail application is

allowed and it is hereby directed that in the event of arrest of petitioners (1) Hansraj Parihar and (2) Smt. Kesar in connection with F.I.R. No.254/2012 registered at Jodhpur Women Police 4 Station, Jodhpur, the petitioners shall be released on bail; provided they furnish a personal bond in the sum of Rs.50,000/- each 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 petitioners shall make themselves available for interrogation by a police officer as and when required; (ii). that the petitioners 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 petitioners shall not leave India without previous permission of the court. (SANDEEP MEHTA), J.

S.Phophaliya/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com