



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous 2nd Bail Application No. 4109/2024

Jitendra Kumar S/o Late Ranchhod Lal, Aged About 33 Years, R/o Paldi
- M, Tehsil And Police Station Paldi - M, Dist. Sirohi (Presently Lodged
In Dist. Jail, Sirohi)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Tirupati Chandra
For Respondent(s)	:	Mr. SK Bhati, PP

**JUSTICE DINESH MEHTA
Order**

02/05/2024

1. The second application for bail has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') in connection with FIR No. 81/2023, registered at Police Station Paldi-M, District Sirohi for the offences under Sections 498-A and 304-B of Indian Penal Code, 1860.
2. Learned counsel for the applicant submitted that applicant's first bail application being S.B. Criminal Miscellaneous Bail Application No.11299/2023 was dismissed by this Court as withdrawn vide order dated 07.12.2023, while giving liberty to the applicant to file a fresh bail application, once the statement of complainant is recorded.
3. While maintaining that the applicant has been falsely implicated in the present case, Mr. Tirupati Chandra argued that reason behind the deceased committing suicide may be rude behaviour or indifference shown by the applicant towards matrimony, but the same has to be considered in light of the background facts and circumstances.
4. Informing the Court that applicant's younger brother is mentally retarded; he has an old aged mother and above all, the applicant's 2 and a half year old daughter is also physically impaired, learned counsel



submitted that in totality of circumstances, the deceased might be emotionally and physically shattered, for which she had committed suicide.

5. While taking the Court through the testimony of the complainant, learned counsel argued that nothing has come on record, from which it can be discerned much less proved that the applicant had ever demanded dowry or harassed his wife to such an extent that she was constrained to commit suicide.

6. Learned Public Prosecutor vehemently opposed the bail application and submitted that statement of complainant clearly shows that the applicant had demanded dowry. He added that even if it is presumed that demand of dowry is not made, then also the behaviour of the applicant has propelled or led the deceased to end her life.

7. In rejoinder, learned counsel for the applicant submitted that if the applicant is kept incarcerated till indefinite period, it would not only be violative of his right to liberty but also affect the entire family, more particularly his minor daughter, who is paralyzed and the only hope of the family inasmuch as the aging mother of the applicant is not able to take care of the ward and his younger brother is mentally challenged. He prayed that the applicant be enlarged on bail on humanitarian considerations.

8. Heard learned counsel for the parties and perused the material available on record.

9. Without recording any finding about the guilt or otherwise of the present applicant, this Court is persuaded to accept the bail application of the applicant for the well being of his young daughter, who is paralyzed both physically and emotionally and is too young to be deprived of her father's support, where mother has committed suicide. Such approach is more warranted because remaining members in the



family-neither applicant's mother nor his younger brother are in a position to raise her in such adversities.

10. Consequently, the second bail application filed under Section 439 of the Cr.P.C. is allowed. The applicant Jitendra Kumar S/o Late Ranchhod Lal arrested in connection with FIR No. 81/2023, registered at Police Station Paldi-M, District Sirohi shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

11. Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

12. Needless to mention that the above observations made by this Court are on the basis of material so far produced before the Court. These are only prima-facie observations and the same shall however, not come in the way of the trial Court to take independent view of the matter, based on ocular and oral evidence, while finally deciding the case.

(DINESH MEHTA),J