

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 5790/2018

Mukesh Agarwal S/o Shri Ramnath Agarwal & Ors.

-----Petitioners

Versus

State Of Rajasthan Through PP & Anr.

-----Respondents

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For Petitioner(s) : Mr. Neeraj Kumar Sharma

For Respondent(s) : Ms. Meenakshi Pareek, PP

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**HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA**

**Order**

**19/09/2018**

After hearing counsel for the parties and going through the contents of the FIR, the present petition is dismissed qua petitioner Nos.1 and 2 as specific allegations have been leveled against them.

Counsel for the petitioners has relied upon **Preeti Gupta & Anr. Vs State of Jharkhand & Anr., AIR 2010(SC) 3363**, to contend that petitioner No.3 younger brother of the husband of the complainant(Devar), petitioner No.4 wife of petitioner No.4(Devrani) and petitioner Nos.5 and 6 married sisters of the husband of the complainant (Nanads) have been unnecessarily involved and implicated to widen the net and no offences qua them under Sections 406 and 498-A are made out as they having nothing to gain from the alleged demand of dowry and above sections have been misused.

Issue notice qua petitioner Nos.3 to 6 only for 07.12.2018.

Till then, further proceedings arising out of impugned FIR qua petitioner Nos. 3 to 6 only shall remain stayed.

However, considering the age and relationship of petitioner No.2 her personal appearance before the trial court is exempted subject to following conditions:-

(a) That the petitioner No.2 shall file an undertaking before the trial court that she shall appear before the trial court at the time of framing of charges, recording of evidence and statement of the accused under Section 313 Cr.P.C.

(b) That in the undertaking filed the petitioner No.2 shall specifically state that any evidence recorded in her absence, but in presence of her counsel, shall be binding upon her.

(c) That the accused-petitioner No.2 shall also undertake to appear before the trial court as and when called by the trial Judge.

(d) That upon appearance of the petitioner No.2 before the trial court, the trial court shall accept personal bail bonds along with bonds to be furnished by the sureties towards regular bail and same shall enure during the pendency of the trial.

(KANWALJIT SINGH AHLUWALIA),J