

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.780 OF 2018

(Arising out of S.L.P.(Criminal) No. 3405 of 2018)

RAMA DEVI NAYAR

...Appellant(s)

Versus

STATE OF RAJASTHAN AND ANOTHER

...Respondent(s)

O R D E R

1. Leave granted.
2. This appeal by special leave is directed against the judgment and order dated 3.11.2017 passed by the High Court of Judicature for Rajasthan Bench at Jaipur, in S.B. Criminal Miscellaneous Bail Application No. 12362 of 2017 titled as Mukesh Chaudhary versus State of Rajasthan, whereby the High Court granted bail to the Respondent No.2 – accused Mukesh Chaudhary.
3. The appellant herein is the complainant in the F.I.R. No. 235 of 2017, dated 17.5.2017, registered at Police Station Karni Vihar for offence under Sections 302, 452, 120-B of the Indian Penal Code. The appellant is aggrieved by grant of bail to the respondent No.2 by the High Court of Rajasthan.
4. Broadly the case portrayed by the appellant-complainant, is that the present respondent-accused, is said to be the main conspirator, who hatched a plan to kill his sister's husband (deceased), which they have dubbed as honor-killing. The background to this crime is alleged to have emanated from a love marriage between the deceased and the daughter-in-law of the appellant, which was not liked by the respondent-accused. It is further alleged that the accused respondent is supposed to have pressurized and threatened to kill the

deceased due to the marriage. In this context the crime is supposed to have taken in the appellant-house, wherein the father and the mother of the appellant's daughter-in-law along with one unknown man started pressurizing the appellant's daughter-in-law to come with them to her parental house. On the refusal of the appellant's daughter-in-law, one of the unknown persons who had come along with her parents pulled out a pistol and shot the appellant's son at a point-blank range resulting in the death of the appellant's son.

5. Accused No.3, (Mukesh Chowdhary) was arrested by police for the charges under Sections 302, 452 and 120B of the Indian Penal Code. Thereafter, an F.I.R. was registered and an inquiry was conducted. It appears that the charge sheet has been filed.

6. Our attention is drawn to the charge sheet, wherein the specifics of the alleged conspiracy and the involvement of the present respondent-accused are revealed, including the fact that the respondent's parents, after committing the alleged crime, visited the residence of the present-respondent and the vehicle (being Honda Amaze vide No. HR-14 CX 0313) used in the crime was hidden at his residence.

7. Learned counsel for the accused – respondent No.2 has submitted that there is no material, which indicates the involvement of respondent No.2. He further submitted that once the investigation is complete, there is no need to keep the respondent No.2 in detention any further.

8. The reading of the FIR and the charge sheet shows that *prima facie* there is material against the respondent No.2 and in view of that, we are of the opinion that for the time being, it is not proper to extend the liberty of bail to the respondent no. 2. In view of the pendency of the trial, we are not inclined to go into the details of the case.

9. In the circumstances, for the time being, we cancel the bail granted to the respondent No.2 and direct him to surrender before the Court of Upper District and Sessions Judge, Sr.No.7, Jaipur City.

10. However, we have not expressed any opinion on the merits of the case and the trial court is directed to consider the case uninfluenced by any observations made herein.

11. The appeal is, accordingly, allowed.

.....J.
(N.V. RAMANA)

.....J.
(S. ABDUL NAZEER)

**New Delhi,
May 18, 2018**

ITEM NO.35

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3405/2018

(Arising out of impugned final judgment and order dated 03-11-2017 in SBCRB No. 12362/2017 passed by the High Court Of Judicature For Rajasthan At Jaipur)

RAMA DEVI NAYAR

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

(I.A NO..48751/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.48746/2018-EXEMPTION FROM FILING O.T.)

Date : 18-05-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Ms. Indira Jaising, Sr.Adv.
Mr. Purushottam Sharma Tripathi, AOR
Mr. Nikhil Borwankar, Adv.
Mr. Mukesh Kumar Singh, Adv.
Ms. Sangeeta Madan, Adv.
Ms. Aanchal Singh, Adv.
Mr. Pankaj Sharma, Adv.
Ms. Vani Vyas, Adv.
Mr. Ravi Chandra Prakash, Adv.

For Respondent(s)

Mr. Shekhar Raj Sharma, Adv.
Mr. Jinendra Jain, AOR
Mr. Sanjeev Sagar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

We cancel the bail granted to the respondent No.2 and direct him to surrender before the Court of Upper District and Sessions Judge, Sr.No.7, Jaipur City.

This appeal is allowed in terms of the signed order.

(SUKHBIR PAUL KAUR)
AR CUM PS

(RAJ RANI NEGI)
ASST.REGISTRAR

(Signed order is placed on the file)