HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous III Bail Application No. 16045/2024

Heparam S/o Shri Malaram, Aged About 38 Years, R/o Khetasar P.s. Osian Dist Jodhpur (Raj) (Petitioner Presently Lodged In Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Feroz Khan
For Respondent(s) : Mr. Shriram Choudhary, Addl. G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

30/01/2025

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 483 of the BNS at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	42/2021
2.	Concerned Police Station	Matora
3.	District	Jodhpur
4.	Offences alleged in the FIR	Under Sections 498-A, 306 read with Section 302 of the IPC
5.	Offences added, if any	-
6.	Date of passing of impugned order	26.11.2024

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against the petitioner and he has been made accused based on

conjectures and surmises. The petitioner is behind the bars since long and the trial is not going to be culminated soon as out of 27 witnesses, only 5 have been examined so far. The star prosecution witness Suman (P.W.4) in her cross-examination has denied the entire prosecution story. There are no factors at play in the case at hand that may work against grant of bail to him and his further incarceration is not warranted.

3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.

4. I have considered the submissions made by both the parties and have perused the material available on record. The star prosecution witness Suman (P.W.4), who happens to be daughter of the victim and the present petitioner, in her cross-examination has completely denied the prosecution story and stated that she did not know as to how her mother died. She also denied to have given statement to the police implicating the present petitioner. The petitioner is behind the bars for last more than three and half years. The trial is going on at snail's pace as out of 27 witnesses, only 5 witnesses have been examined so far and there is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

5. Accordingly, the instant bail application under Section 483 of the BNS is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

84-Pramod/-