



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

S.B. Criminal Misc. Bail Application No. 9331/2024

Meghraj S/o Purkharam, aged about 28 years, resident of Ward
No. 9, Jajju, Police Station Jajju, District Bikaner.
(At Present Lodged In Central Jail Bikaner)

-----Petitioner

Versus

State of Rajasthan through PP

-----Respondent

For Petitioner(s) : Mr. J.S. Choudhary, Sr. Advocate with
Mr. Pradeep Choudhary.
Ms. Sampati Choudhary.
For Respondent(s) : Mr. Narendra Singh Chandawat, PP.
Mr. Vikas Godara and
Mr. Bhola Ram Chahar, for the
complainant.

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

REPORTABLE

18/09/2024

1. The Petitioner is arrested and detained in F.I.R No. 75/2024 registered at Police Station Kolayat, District Bikaner, pertaining to offences punishable under Sections 498(A), 306 of the I.P.C. and by this petition, he seeks restoration of his liberty on bail-bond.
2. Before I proceed to examine the rival contentions it would be appropriate to briefly state the facts of the present case which are that complainant Santosh Bhargav (father of deceased Rekha) lodged a report on 09.04.2024 stating that his daughter Rekha was married to the accused Meghraj in the year 2014. Since the marriage, her in-laws had been harassing and beating her. Meghraj, an alcoholic was involved in an illicit relationship with an another woman. Despite this, his daughter tolerated everything



for the sake of the family's honour and the complainant had no knowledge of these issues. Meghraj regularly beaten and mistreated his daughter. In the night of 08.04.2024, Meghraj's brother called over phone and informed him that Rekha had committed suicide. When he arrived at her in-laws' house, he suspected that she had been murdered and that the scene had been staged to appear as a suicide. A charge-sheet has already been submitted after investigation into the matter.

3. To begin at the beginning learned counsel representing applicant has fervently argued that this is a case of suicide by a wife after 10 years of marriage. She had three children. Rekha committed suicide of her own free will by hanging herself. In this case, the elements of the offence punishable under Section 306 of IPC are not satisfied. It is argued that the reason provided by Police in the investigation for invoking Section 306 of IPC is that Meghraj had illicit relations with a woman, which allegedly led Rekha to commit suicide. However, there is no evidence on record to suggest that Meghraj actively abetted Rekha's suicide nor is the presumption under Section 113A of Indian evidence act is applicable in this case. Concluding submissions, he asserted that applicant is entitled to be enlarged on bail.

4. Learned Public Prosecutor for the State assisted by Mr. Vikas Godara, learned counsel appearing for the complainant have strongly objected the different submissions made by learned counsel for the applicant and craves rejection of the applicant's bail application.



5. To appreciate the submissions raised at the bar, I have bestowed my anxious consideration and carefully examine the matter available on record.

6. On perusal of the record and upon consideration of the submissions, it would be *prima facie* clear that in this case, the complainant's daughter Rekha died after 7 years of marriage and therefore, the presumption under Section 113A of the Indian Evidence Act is not applicable. The charge-sheet has been submitted on the foundation that the involvement of the petitioner in extra-marital affair, established the abetment by husband.

7. It is seen that in his statements under Section 161 of the Cr.P.C., the father of the deceased Rekha, did not mention any specific instance of abetment by the petitioner. He only stated that since the marriage, Meghraj had been harassing and beating Rekha. He further mentioned that Meghraj was an alcoholic and involved in an illicit relationship with another woman. Barring the aforesaid, there is no whisper with regard to any kind of abetment by the petitioner.

8. In view of the aforesaid evidence, the question that emerges for consideration is that "Whether in the absence of any specific act of abetment, on the basis of these facts and circumstances, the petitioner can be *prima facie* considered to have abetted Rekha to commit suicide"?

9. To constitute an offence under Section 306 of IPC, prosecution has to *prima facie* establish that the deceased Rekha committed suicide and the petitioner abetted the commission of suicide. Perusal of record *prima facie* reveals that the father of the



deceased Rekha, in his statements under Section 161 of the Cr.P.C. has not stated anything with regard to any kind of abetment meted out to the deceased except stating that since the marriage, Meghraj has been harassing and beating Rekha. Meghraj was an alcoholic and also involved in an illicit relationship with a woman. Except for the alleged extra marital relationship that may be illegal and immoral, nothing has been brought out by the prosecution to show that the petitioner had provoked, incited or induced the wife to commit suicide.

10. This Court is of the opinion that no doubt there is some evidence about the illicit relationship of husband of deceased but in the absence of some other acceptable *prima facie* evidence on record, the ingredients of Section 306 of the IPC, which includes abetment to drive a woman to commit suicide, could not be found *prima facie* satisfied. Extra-marital relationship, *per se* or as such, would not come within the ambit of abetment. To explicate, solely because the husband is involved in an extra-marital relationship and there is some suspicion in the mind of wife, that cannot be regarded as abetment for satisfying the ingredients of Section 306 IPC. The seed of suspicion planted in mind of deceased brought the eventual tragedy but such an event will not *prima facie* constitute the offence alleged. Therefore, petitioner makes a case for bail.

11. Having considered the material available on record; the arguments advanced by counsel for the applicant particularly the facts narrated above and the fact that applicant is in custody since 08.04.2024; bail rejection order goes to show that applicant is not



involved in any other case; that trial is likely to take its own considerable time and taking note of all these aspects, I do not intend to go into the merits of the matter but of the considered view that the applicant has available to him substantial grounds so as to question the prosecution case and no useful purpose would be served by keeping the applicant in detention for an indefinite period therefore, I am inclined to grant indulgence of bail to the petitioner at this stage.

12. Consequently, the present bail application is allowed and it is directed that the accused-petitioner **Meghraj S/o Purkharam**, arrested in connection with the F.I.R. No. 75/2024, registered at Police Station Kolayat, District Bikaner, shall be released on bail provided he furnishes a personal bond and two surety bonds of sufficient amount to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so. This order is subject to the condition that accused, within 7 days of his release, and sureties on the day of furnishing bail, will also furnish details of their all bank accounts, with bank and branch name, in shape of an affidavit, and submit legible copy of their Aadhar cards as well as copy of front page of Bank pass book, for smooth recovery of penalty amount, if there arise a need for recovery of penalty under Section 446 Cr.P.C in future.

(RAJENDRA PRAKASH SONI),J

Mohan/-