



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

S.B. Criminal Misc. Bail Application No. 8666/2024

Veer Bahadur Singh S/o Shri Ummed Singh, aged about 55 years, resident of Village Jaley, Tehsil Ratangarh, District Churu, (Rajasthan).

(Lodged in District Jail Churu)

----Petitioner

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s) : Mr. Vipin Makkad.

For Respondent(s) : Mr. Laxman Solanki, PP.

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

REPORTABLE

25/07/2024

1. Petitioner is lugged and locked in F.I.R No. 103/2024 of Police Station Ratangarh, District Churu, for the offences punishable under Sections 302, 201 and 120-B of the Indian Penal Code. He has filed this application for restoration of liberty under Section 439 of the Code of Criminal Procedure, 1973 (Section 483 of The BNSS, 2023).

2. I may briefly refer to the relevant aspects of the case of prosecution, as emerging from the F.I.R. allegations which are that on 25.03.2024, the two and a half year old Samridhi, daughter of the complainant Indra Chand went missing and could not be found despite searching. Upon watching the CCTV footage from a temple situated near the house, it was discovered that Maya picked up



Samridhi, held her in her lap and threw her into the water tank of her house, putting a lid on it to prevent the child from screaming. In this way, she killed an innocent girl. Maya, who is 21 years old, is the daughter of the complainants' real uncle and was having an affair with a boy.

3. Shri Vipin Makkad, learned counsel representing the petitioner vehemently urged that principal accused is Maya and she is the one who is charged with offence of murder. The petitioner is innocent person and a false case has been foisted against him; that entire allegations so leveled by the police against the petitioner is totally false and baseless; that nothing has been recovered from possession of the petitioner; that there is no concrete evidence to show direct nexus between the petitioner and alleged crime, rather case of the prosecution is based on surmises and conjectures instead of sound legal evidence. Therefore, considering the facts and circumstances, the petitioner may be released on bail.

4. From the other side, learned Public Prosecutor for the State has strongly objected the submissions made by learned counsel for the applicant.

5. It was further argued that there is overwhelming evidence adduced on record which would *prima-facie* point towards the guilt of the applicant; that keeping in view the gravity of offences alleged to have been committed by him, he does not deserve any leniency, rather he needs to be dealt with severely. He thus,



prayed that in the facts of the present case, it is expedient that accused be kept in the custody.

6. I have given my thoughtful consideration to the arguments advanced by learned counsel for the parties and have perused the record carefully.

7. Having given anxious consideration to the rival submissions and having examined the record with reference to the law applicable, I am clearly of the view that deceased Samridhi, aged about 33 months, was daughter of complainant Indra Chand. One Maya and petitioner had love and affair relationship, which was not liked by the complainant Indra Chand as he was uncle of Maya. Both petitioner and Maya, considered Indra Chand an obstacle to their love affair. To take revenge on Indra Chand and to teach him a lesson, Maya committed murder of Samridhi in furtherance of conspiracy hatched by both of them. It is *prima facie* found that the present petitioner was the root cause of the incident alleged against both Maya and present petitioner. In that view of the matter, this Court is not inclined to grant bail to the petitioner at this stage. In a case of such a serious offence, filing of charge-sheet does not provide a ground for bail to the petitioner.

8. In view of the enormous *prima facie* material placed on record in respect of the applicant, the allegations leveled against the petitioner, I am of the considered view that looking to the nature and gravity of the accusation in the instant case, the role attributed to the petitioner and the case set up against petitioner



in its entirety, the petitioner is not found entitled to be released on bail.

9. As a consequence of the above discussion, this Court is not inclined to extend indulgence of bail to the petitioner under Section 439 Cr.P.C. and hence, the instant Bail Application stands dismissed as being devoid of merit. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10. Copy of this order be emailed to the trial Court concerned.

(RAJENDRA PRAKASH SONI),J

44-Mohan/-