

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS



Petition(s) for Special Leave to Appeal (Cr1.) No(s).2290/2023

(Arising out of impugned final judgment and order dated 30-01-2023 in SBCRMSBA No.9998/2022 passed by the High Court Of Judicature For Rajasthan At Jaipur)

SAJID KHAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.34968/2023-EXEMPTION FROM FILING O.T.)

Date : 14-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.  
Mr. Abhishek Gupta, AOR  
Mr. Zafar Inayat, Adv.

For Respondent(s) Mr. Akram Khan, Adv.  
Mr. Vishal Meghwal, Adv.  
Mr. Milind Kumar, AOR  
  
Mr. Anuj Bhandari, AOR  
Mr. Anuj Bhandari, Adv.  
Mr. Iliyas Khan, Adv.  
Mr. Abdul Salam, Adv.

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

1. The petitioner seeks enlargement on bail in FIR No.285/2021 dated 17.07.2021 registered at Police Station Kho-Nagoriya, Jaipur City (East) under Section 498-A and 304-B of the Indian Penal Code, 1860. The petitioner is husband of deceased Tazruma, who

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unfortunately died an unnatural death on 10.07.2021. It appears that the marriage was solemnized in the year 2015, but the deceased went to her matrimonial home on 31.01.2021 and hardly after seven months she died. The FIR was registered on a complaint made by the parents of the deceased alleging that the petitioner and his parents used to mentally torture the deceased for demand of additional dowry. The petitioner, as it appears, claims that the deceased committed suicide by consuming poison and he relies upon the FSL report dated 16.09.2021 in this regard. The petitioner was released on bail by the High Court on 27.10.2021 i.e. within a period of four months of the occurrence. The said order was set aside by this Court vide order dated 13.05.2022 though with liberty that in case the petitioner moves fresh application for bail, the same shall be decided by the High Court on its own merits.

2. Thereafter, the petitioner again applied for bail but vide impugned order, the same has been declined.

3. When this matter came up for hearing on 29.03.2023, it was informed that the trial has commenced and Asifa, who is sister-in-law of the petitioner, Tabassum Bano, wife of the brother of the deceased and Mohammed Talib, brother of the deceased be examined on the date fixed and the petitioner's prayer for bail could be considered only after their depositions. Consequently, the Trial Court was directed to examine those witnesses.

4. On 01.05.2023, this Court was again informed that five more private witnesses are yet to be examined and in the event of grant of bail, there was likelihood of influencing such witnesses. The Trial Court was, accordingly, directed to examine those witnesses

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as well.

5. Thereafter, again on 04.07.2023, the prosecution furnished a list of four witnesses, who were summoned to be examined on 12.07.2023. In the interest of justice, these proceedings were deferred with a direction to the Trial Court to record their statements as well.

6. In this manner, we are informed that 19 out of 30 witnesses have since been examined. It is further stated that all the private witnesses have been examined and only official witnesses are left. The petitioner has been in custody for around 15 months.

7. We have heard learned senior counsel for the petitioner, learned State counsel as well as the learned counsel for the complainant.

8. Taking into consideration the fact that most of the vital witnesses have since been examined and conclusion of trial will take some time, but without expressing any opinion on merits, the petitioner is directed to be released on bail, subject to his furnishing bail bonds to the satisfaction of the Trial Court.

9. Since some of the witnesses, especially the sister of the deceased, who is married with the brother of the petitioner stays with the petitioner's family and the possibility of harassment to her at this stage cannot be ruled out, it is directed that the petitioner shall, while on bail, stay outside the Jaipur City except that he shall continue to appear before the Trial Court on each and every date of hearing.

10. In the peculiar facts and circumstances of this case, we also direct the Trial Court to make an endeavour to conclude the trial

## VERDICTUM.IN

expeditiously.

11. The special leave petition is disposed of in above terms.

12. All pending applications, if any, stand disposed of.

(ARJUN BISHT)  
COURT MASTER (SH)

(PREETHI T.C.)  
COURT MASTER (NSH)