

CASE NO.:
Appeal (crl.) 791 of 2008

PETITIONER:
RAJENDRA SHARMA

RESPONDENT:
STATE OF RAJASTHAN AND ANR.

DATE OF JUDGMENT: 02/05/2008

BENCH:
S.B. SINHA & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT

O R D E R
[Arising out of SLP(Crl.) No.8225/2007]

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the dispute between the parties being essentially a matrimonial one and the appellant having submitted himself to the jurisdiction of the Investigating Officer in terms of the interim order dated 15.1.2008 passed by this Court, interest of justice would be subserved if the appellant, in the event of his arrest or surrender, is directed to be enlarged on bail on furnishing bail bond for Rs. 10,000/- with two sureties each of the like amount, to the satisfaction of the arresting officer and/or the Court concerned, as the case may be, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

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This order is being passed as we are of the opinion that in the facts and circumstances of this case, custodial interrogation of the appellant is not necessary.

It is stated that the contention of respondent No.2 is that the purported receipt in question in relation to the return of the request is a forged one. Respondent No.2, if so directed by the Investigating Officer, may give her specimen signatures or handwriting which may be sent to the Government Examiner for comparison.

We, furthermore direct that in the event the Investigating Officer requires the appellant to appear before him after giving some time to appear, the appellant shall make himself available to him.

The appeal is disposed of with the aforementioned observation and direction.