



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

S.B. Criminal Miscellaneous Bail Application No. 8080/2026  
CNR: RJHC010587302026 | URN: CRLMB / 17577U / 2026

Balavant Singh S/o Shankar Singh, Aged About 38 Years,  
Resident Of Rajputo Ka Bass, Village-Khasarvi, Jalor, District-  
Jalor Rajasthan, Pin-343027. (Presently Lodged In Sub Jail-  
Jalore Since 06.06.2026)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

-----Respondent

For Petitioner(s) : Mr. Rajak Khan Haider  
For Respondent(s) : Mr. Surendra Bishnoi, PP  
Mr. Praveer Kumar, for complainant

**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**29/09/2026**

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

| S.No. | Particulars of the Case           |                         |
|-------|-----------------------------------|-------------------------|
| 1.    | FIR Number                        | 58/2026                 |
| 2.    | Concerned Police Station          | Sarwana                 |
| 3.    | District                          | Jalore                  |
| 4.    | Offences alleged                  | 85 and 108 of BNS, 2023 |
| 5.    | Date of passing of impugned order | 27.04.2026              |

2. Learned counsel for the accused-applicant submits that the applicant has been falsely implicated in this case and the investigation against him is complete. He further submits that



there are no chance of fleeing of accused-applicant from the jurisdiction of this Hon'ble Court.

2.1 Learned counsel for accused-applicant submits that the FIR in question has been lodged by Tag Singh, the father of the deceased. As per the allegations contained therein, the deceased Kailash Kanwar was married to the accused Balwant Singh about 15 years prior to the incident and at the time of marriage, the complainant had made arrangements and incurred expenses beyond his financial means.

According to the allegations levelled in the FIR, ever since the marriage, the accused persons, namely the husband, mother-in-law, father-in-law and brother-in-law of the deceased, had been subjecting her to harassment and taunting on account of the alleged inadequacy of dowry and had also been reproaching her parental family in that regard.

2.2 It is further alleged that, for some time prior to the incident, the accused-husband had been demanding money from the complainant, through the deceased, for the purpose of starting a new business. According to the FIR, the accused persons used to physically assault the deceased while making such demands and on account of dowry-related issues. It is also alleged that the deceased Kailash Kanwar had two daughters and that her mother-in-law and sister-in-law frequently taunted and harassed her for not having borne a male child.

2.3 It is also alleged that Hari Singh, the brother-in-law of the deceased Kailash Kanwar, had instigated and provoked her to commit suicide with the intention that her husband, Balwant Singh, could thereafter marry another woman. It is further





averred that on 26.04.2026, the complainant received information regarding the death of his daughter by suicide and, upon reaching the house of the accused persons, he and his family members were allegedly threatened with dire consequences.

On the basis of the aforesaid allegations, the FIR came to be lodged.

2.4 Upon completion of the investigation, the investigating agency filed a charge-sheet against the husband, Balwant Singh, the father-in-law, Shankar Singh, and the mother-in-law, Jor Kanwar, for offences punishable under Sections 85 and 108 of the BNS. However, so far as Hari Singh, Chhail Singh, Tipu Kanwar and Vikram Singh are concerned, the investigating agency did not find any prima facie material indicating their involvement in the alleged offences.

3. Learned counsel for applicant fervently argued that the present case pertains to the suicide of the deceased after about 15 years of marriage. It was submitted that the deceased was the mother of two daughters and that she took the extreme step on her own volition.

3.1 It is further contended that on the date of the incident, i.e. 26.04.2026, the accused persons against whom the charge-sheet has been filed were not present at the place of occurrence and had gone to Village Khasarvi to attend a marriage ceremony. According to learned counsel, the deceased was alone at her matrimonial home when she committed suicide.

3.2 Learned counsel argued that although allegations of dowry-related harassment and ill-treatment on account of the deceased having only female children have been levelled, there is no





material available on record to indicate that the applicant-husband had, in any manner, instigated, aided or otherwise abetted the commission of suicide by Kailash Kanwar. Learned counsel submits that the essential ingredients of the offence under Section 108 of the BNS are, therefore, not prima facie made out against the applicant.

It is also contended that the statutory presumption contemplated under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023 (corresponding to Section 113A of the Indian Evidence Act, 1872) is not attracted in the facts and circumstances of the present case.

3.3 Learned counsel for the applicant further submits that the applicant has been in judicial custody since 06.06.2026; that the investigation has already been completed and the charge-sheet has been filed. Learned counsel contends that no material is available on record to prima facie satisfy the essential ingredients of the offences alleged against the applicant. It is also submitted that the trial is likely to take considerable time to conclude. Therefore, it is prayed that the applicant be enlarged on bail.

4. Per contra, learned Public Prosecutor as well as learned counsel for the complainant vehemently opposed the bail application and contended that, having regard to the gravity and nature of the alleged offence, the applicant does not deserve the indulgence of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. To appreciate the submissions advanced at the Bar, this Court has carefully examined the material available on record,





including the charge-sheet. Upon a prima facie consideration thereof, it appears that the deceased Kailash Kanwar died after more than seven years of her marriage. Consequently, the presumption under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023, is not attracted in the facts of the present case.

6.1 A perusal of the charge-sheet further reveals that the applicant has been charge-sheeted on the allegation that he and certain other family members used to taunt and harass the deceased for not having borne a male child and would threaten her that the applicant would marry another woman. It is on the basis of these allegations and the material collected during investigation that the applicant has been arraigned for the offences in question.

6.2 In this regard, this Court has given its anxious consideration to the statement of the complainant recorded under Section 180 of the BNSS, 2023. A perusal thereof reveals that the complainant has specifically stated that, after the marriage, the deceased lived happily with the applicant-accused for about 8-9 years and that the alleged discord arose approximately four years prior to the incident, after the birth of their second daughter.

6.3 Moreover, a perusal of the complainant's statement recorded during investigation reveals that no specific allegation regarding any demand of dowry or money has been levelled therein. However, the complainant has stated that the applicant-accused and his family members used to taunt and blame the deceased for not having borne a male child. The complainant has further stated that, on an earlier occasion, the deceased had consumed some



substance, whereupon the applicant-accused took her to a hospital at Sanchoe and ensured that she received medical treatment.

6.4 The complainant has further stated that, on one occasion, following an altercation with her husband, the deceased allegedly jumped into a water tank; however, she was rescued in time.

Thereafter, she was taken to her parental family and was sent with the complainant so that proper care could be taken of her. The complainant has also stated that a few days prior to the incident, he had spoken to the deceased over the telephone, during which she informed him that everything was going well. However, on 26.04.2026, he received information that the deceased had committed suicide by hanging herself.

6.5 The post-mortem report prima facie indicates death due to ante-mortem hanging, with no other external injuries noted on the deceased. In these circumstances, the question at this stage is whether, in the absence of prima facie material showing instigation, intentional aid, or any other act constituting abetment, can the applicant be said to have prima facie committed the alleged offences.

6.6 Pertinently, to attract the offence punishable under Section 108 of the BNS, 2023, there must prima facie be material indicating abetment of the commission of suicide, which is a foundational ingredient of the offence. In the present case, the statements of the witnesses indicate that the deceased was allegedly subjected to taunts and reproaches for not having borne a male child and that she was allegedly threatened that the applicant would contract a second marriage. However, at this stage, and on the basis of the material presently available on





record, such allegations, by themselves, do not prima facie constitute instigation, intentional aid or any other act amounting to abetment of suicide so as to satisfy the essential ingredients of Section 108 of the BNS.

7. Upon consideration of the rival submissions and the material available on record, and having regard to the fact that the applicant has been in judicial custody since 06.06.2026, that the investigation has been completed and the charge-sheet has already been filed, and that the trial is likely to take a considerable time to conclude, this Court finds that further custodial detention of the applicant is not warranted at this stage. It is also noteworthy that the prosecution has not expressed any specific apprehension regarding the applicant absconding or fleeing from the course of justice.

8. Accordingly, without expressing any opinion on the merits or demerits of the case and taking an overall view of the matter, this Court is of the considered opinion that the applicant has made out a case for grant of bail. No useful purpose would be served by keeping the applicant incarcerated for an indefinite period pending conclusion of the trial. Therefore, the applicant is entitled to be enlarged on bail at this stage.

9. Accordingly, instant bail application under Section 483 B.N.S.S. is **allowed** and it is ordered that the accused-applicant – **Balavant Singh S/o Shankar Singh** shall be enlarged on bail; provided he executes personal bond in the sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the learned trial Court with the following conditions:-



- (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the law.
- (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial Court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the applicants-accused shall be liable to be canceled.

10. It is clarified that the observations made herein are confined to the present bail application and shall not influence the learned Trial Court, which shall decide the case independently on its merits and in accordance with law.

**(SANJEET PUROHIT),J**

6/Anil Kumar Choudhary