HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5845/2020

Kashi Ram S/o Shri Bhoma Ram, Aged About 20 Years, By Caste Meghwal, R/o Chak 2 C.d. 65 Rd, Barsalpur Branch, Bajju P.s. District Bikaner. (At Present Lodged In Central Jail Bikaner).

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. HS Shrimali (through VC)
For Respondent(s)	:	Mr. Mohd. Javed Gauri, PP

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

17/12/2020

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.30/2019 of Police Station Bajju District Bikaner for the offences punishable under Sections 376 (2) (I) and 506 IPC and Section 3 & 4 of POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that after rejection of first bail application of the petitioner, statements of prosecutrix PW-2 have been recorded before the trial court and in the said statements, she has only stated that the petitioner caught hold of her and when she cries, her mother reached there. It is also submitted that from the above statements, it is clear that no sexual assault took place upon the prosecutrix by the petitioner.

Learned Public Prosecutor has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case and after going through the statements of prosecutrix PW-2, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Kashi Ram S/o Shri Bhoma Ram shall be released on bail in connection with FIR No.30/2019 of Police Station Bajju District Bikaner provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J

Surabhii/4-

RAJASTHAN HIGH COURT
सत्यमेव जयते