HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 10150/2020

Chatur Singh S/o Roop Singh, Aged About 23 Years, R/o Village Mohangadh, P.s. Mohangadh, Distt. Jaisalmer. (Presently Lodged In Central Jail, Jaisalmer).

----Petitioner

Versus

State, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Jitendra Singh Bhati on VC.
For Respondent(s)	:	Mr. Gaurav Singh PP for the State. Mr. Leela Dhar Khatri (on VC) for the complainant.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

08/12/2020

In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

The petitioner has been arrested in connection with FIR No.56/2020 of Police Station Mahila Thana, District Jaisalmer for the offences punishable under Sections 376 and 376(2)(N) IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that a bare reading of the FIR reflects that the complaint of the prosecutrix, who is a 27 years old lady, is that the present petitioner, aged 23 years, was having a love affair with her for last three years, and she even got pregnant 2-3 times.

Learned counsel for the petitioner further submits that the FIR also reads that while making false pretext of being in love with the prosecutrix and promising to marry her, the present petitioner continued to remain in physical relationship with the prosecutrix.

Learned counsel for the petitioner has pointed out that there are four cases against the present petitioner, and two cases pertaining to the same allegations have also been lodged by the prosecutrix against other persons, and thus, she is in a habit of blackmailing the people.

Learned counsel for the petitioner has also drawn the attention of this Court towards the statement of the husband of the prosecutrix, in which he has stated that the prosecutrix is in a habit of blackmailing the people.

Learned Public Prosecutor as well as learned counsel for the respondent/complainant vehemently oppose the bail application.

After hearing learned counsel for the parties as well as perusing the record of the case, the facts and the record do not induce confidence of this Court so as to continue the custody of the present petitioner in this case, at this stage.

Thus, having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time, but without expressing any opinion on the merits of the case, this Court deems 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 **Chatur Singh S/o Roop Singh** shall be released on bail in connection with FIR No.56/2020 of Police Station Mahila Thana, District Jaisalmer 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.

(DR.PUSHPENDRA SINGH BHATI),J.

10-SKant/-

RAJASTHAN HIGH COURT
सत्यमेव जयते