HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 10294/2020

Kundan Kumar S/o Munshi Lal, Aged About 25 Years, Radli Police Thana Dovda District Dungarpur. (At Present At Dist. Jail Dungarpur).

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s) : Mr. Jitendra Ojha VC
For Respondent(s) : Mr. Gaurav Singh PP for the State.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

16/10/2020

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

This Court perused the material available on record.

The petitioner has been arrested in connection with FIR No.198/2020 of Police Station Dovda, District Dungarpur for the offence punishable under Section 376 IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that the alleged incident happened on 23.05.2020 and the FIR has been lodged after a gross delay on 07.08.2020. Learned counsel for the petitioner further submits that the petitioner is a 25 years old man.

Learned Public Prosecutor opposed the bail application.

Heard learned counsel for the parties as well as perusing the record of the case.

The narration of the incident stated in the statement rendered by the prosecutrix under Section 164 Cr.P.C. to the effect that in the presence of her husband and other family members, the prosecutrix was taken away, does not induce confidence of this Court. Moreover, the prosecutrix continued to stay with the present accused-petitioner and was going with him on a motorcycle in the open place. It is also alleged that the brother of the prosecutrix saw them. In these circumstances, the inference goes against the allegation of forcible rape.

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 and 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 **Kundan Kumar S/o Munshi Lal** shall be released on bail in connection with FIR No.198/2020 of Police Station Dovda, District Dungarpur 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

21-SKant/-