HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13008/2020

Mada Ram @ Madan S/o Shri Gumna Ram, Aged about 38 Years, R/o Solankiya Talla, Shergarh P.S. District Jodhpur Rural.
(Lodged In Central Jail, Jodhpur)

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. J.V.S. Deora (through VC)
For Respondent(s)	:	Mr. Laxman Solanki, P.P.

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

16/12/2020

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.353/2019 of Police Station Balesar, District Jodhpur Rural for the offences punishable under Sections 498-A, 323, 506, 376(2)(F)/120-B IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that the prosecutrix in her complaint as well as in her statement, recorded under Section 161 Cr.P.C. has levelled allegation of sexual assault against Narpat Ram and not against the petitioner, however, later on, in her statements recorded under Section 164 Cr.P.C. she has levelled false allegation that the petitioner and Narpat Ram raped her but no specific details have been provided.

Learned Public Prosecutor has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case, 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 - Mada Ram @ Madan S/o Gumna Ram shall be released on bail in connection with FIR No.353/2019 of Police Station Balesar, District Jodhpur Rural 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

Abhishek Kumar
S.No.40

RAJASTHAN HIGH COURT
सत्यमेव जयते