HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12997/2020

Hisam S/o Ramjan, Aged About 23 Years, R/o Goliyar, P.S. Chouhtan, District Barmer. (Lodged In Distt. Jail Barmer)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Kishan Lal Vishnoi, through VC
For Respondent(s) : Mr. Mohd. Javed Gauri, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order

08/12/2020

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in judicial custody in connection with F.I.R. No.151/2020, Police Station Chouhtan, District Barmer, registered for the offences under Sections 376(3), 376(2)(झ) (ढ), 305, 354घ(ii), 384 of IPC and Sections 5(ठ)/6, 11/12 of POCSO Act.

Heard learned counsel for the petitioner through video conferencing and learned Public Prosecutor, present in person. Perused the material available on record.

Learned counsel for the petitioner stated that as per prosecution story, incident took place on 13.05.2020 and FIR was lodged on 17.05.2020; in pursuance of Court order dated 18.05.2020 body of the deceased was examined by Medical Board and as per Medical Board's report, her hymen was old healed & torn and she was habitual to sexual intercourse; there was no injury on any part of her body; there is no iota of evidence in regard to instigating of offence under Section 306 of IPC; charge-

sheet has been filed and the trial of the case will take time, therefore, petitioner is entitled for bail. With these submissions, learned counsel for the petitioner prayed that the benefit of bail may be granted to the petitioner.

Per contra, learned Public Prosecutor opposed the bail application and stated that as per the statement recorded under Section 164 Cr.P.C. of minor girl Samani-sister of deceased, accused-petitioner did often come at the home of the deceased and threatened the deceased.

Having regard to the special facts and circumstances of the case, particularly to the facts that charge-sheet has been filed and the trial of the case will take sufficiently long time, therefore, without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner-Hisam S/o Ramjan, arrested in connection with F.I.R. No.151/2020, Police Station Chouhtan, District Barmer, shall be released on bail provided he furnishes a personal bond of Rs.50,000/- (Rupees Fifty Thousand) and two sureties of Rs.25,000/- (Rupees Twenty Five Thousand) each to the satisfaction of the 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.

(DEVENDRA KACHHAWAHA),J

22-Arvind/-