HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc. 2nd Bail Application No. 13722/2020

Pawan S/o Shri Rameng, Aged About 20 Years, R/o. Rohida, P.s. Lohariya, District Banswara.
(Presently Lodged In District Jail Banswara).

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Shambhoo Singh Rathore, through video conferencing on "Cisco Webex App"
For Respondent(s)	:	Mr. S. K. Bhati,PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

09/12/2020

Lawyers are not appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona virus (COVID-19).

The present second bail application has been filed under Section 439 of Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R. No.44/2020, Police Station Motagoan, District Banswara for the offences under Sections 363, 366, 344, 376(2)(N) of the I.P.C. and under Section 5(L)/6 of POCSO Act, 2012.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioner submits that after rejection of the first bail application of the petitioner by this Court on 07.09.2020, the victim Mst. "S" has appeared before the trial Court as PW-1. In her statement, she has mentioned that she was known to the petitioner and they were having friendship. He

further submits that in the cross-examination, she has admitted this fact that she wanted to marry the present petitioner. It is further stated in her cross-examination that she stayed with the present petitioner at Sagwara for almost a month and she used to cook food for the present petitioner. He, therefore, prays that the petitioner may be enlarged on bail.

Learned Public Prosecutor opposes the bail application.

I have considered the statement of the victim Mst."S" (PW-1)and I am of the view that the allegation of rape against the present petitioner is not convincingly made out.

Having regard to the peculiar facts and circumstances of the case as also the present situation of the country due to pandemic of corona virus (COVID-19), in particular the jails, this Court deems it just and proper to release the petitioner on bail.

Consequently, the present second bail application filed under Section 439 of Cr.P.C. is allowed. It is ordered that the accused-petitioner - **Pawan S/o Shri Rameng** arrested in connection with F.I.R. No.44/2020, Police Station Motagoan, District Banswara shall be released on bail provided he furnishes a personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) with two sureties of Rs.25,000/- (Rupees : Twenty Five Thousand Only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

(VINIT KUMAR MATHUR),J

15-SunilS/-