HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc. 2nd Bail Application No. 13711/2020

Bheemraj S/o Nathu, Aged About 24 Years, B/c Meena, R/o Patelfala Mandkala, P.s. Dhariyawad District Pratapgarh. (Presently Lodged In District Jail, Pratapgarh).

----Petitioner

Versus

State of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Rahul Bathi through VC
For Respondent(s) : Mr. Laxman Solanki, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order

14/12/2020

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.307/2019, Police Station Dhariyawad, District Pratapgarh, for the offences under Sections 366 and 376 of the Indian Penal Code and under Section 67 of IT Act.

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

Learned counsel for the petitioner stated that first bail application of the petitioner has been rejected vide order dated 05.05.2020 with liberty to file fresh bail application after recording of the statement of prosecutrix as PW-3 and as per that statement, prosecutrix is a 23 years married lady. During cross-examination, prosecutrix has admitted that petitioner often came

to her matrimonial home and on that count, her brother-in-law objected. He further stated that F.I.R. has been filed after a delay of fifteen days for which no satisfactory explanation has been given; there was an attempt of settlement at social level and Rs.70,000 were determined during Panchayat but same was not given by the petitioner, therefore, this F.I.R. has been filed. With these submissions, learned counsel for the petitioner prayed that the benefit of bail may also be granted to the petitioner.

Learned Public Prosecutor opposed the bail application of the petitioner.

Having regard to the facts and circumstances of the case and particularly looking to the admission made in the cross-examination by the prosecutrix and trial 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 **Bheemraj S/o Nathu** arrested in connection with F.I.R. No.307/2019, Police Station Dhariyawad, District Pratapgarh, shall be released on bail; provided he furnishes a personal bond of Rs. 50,000/- with two surety bonds of Rs.25,000/- 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.

(DEVENDRA KACHHAWAHA),J

15-/rashi/-