HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13768/2020

Sohanlal S/o Gularam, Aged About 25 Years, Medi Ka Bas, Kuchaman City, Tehsil Kuchaman City, District Nagaur (Raj.). (At Present Lodged In Sub Jail Merta City, District Nagaur).

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Javed Khan through VC
For Respondent(s)	:	Mr. Gaurav Singh, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

07/12/2020

In wake of onslaught of COVID-19, abundant caution is being taken while hearing the matters in Court.

The petitioner has been arrested in connection with FIR No. 135/2020 of Police Station Khunkhuna District Nagaur for the offences punishable under Sections 363, 366A, and 376 of IPC and Sections 3 /4, 11/12 of POCSO Act, 2012. He has preferred this bail application under Section 439 Cr.P.C.

Learned Public Prosecutor has opposed the bail application.

On bare reading of the statement recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. rendered by the prosecutrix the allegation of rape is not made out. No forceful intercourse has been pointed out. The age of the prosecutrix is 16 and ½ years and the age of the petitioner is 25 years.

On reading of the statements, the case of the prosecution does not induce any confidence for continuance of the petitioner in the jail. The chargesheet has also filed.

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 Sohanlal S/o Gularam shall be released on bail in connection with FIR No. 135/2020 of Police Station Khunkhuna District Nagaur 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.

ns. 67-1/-

RAJASTHAN HIGH COURT
सत्यमेव जयते