HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 14936/2020

Gafoor Khan S/o Sh. Chanane Khan, Aged About 40 Years, R/o Adarsh Marg, Gandhi Colony, P.s. Kotwali, District Jaisalmer. (At Present Lodged In District Jail, Jaisalmer).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 14692/2020

Swaroop Khan S/o Shri Ramjoo Khan, Aged About 33 Years, Deuga Aainta, District Jaisalmer. (At Present Lodged In District Jail Jaisalmer).

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Leela Dhar Khatri, on VC
For Respondent(s)	:	Mr. Mahipal Bishnoi, PP Mr. Pradeep Shah, for the complainant, on VC

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

18/12/2020

In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

This Court perused the material available on record.

The petitioners have been arrested in FIR No.101/2020 of P.S. Mahila Thana, Jaisalmer for the offences punishable under Sections 363, 366A, 376 IPC; Section 3/4,7/8 POCSO Act and

Section 3(2)(v) of Prevention of Atrocities Act. They have preferred this bail application under Section 439 Cr.P.C.

Counsel for the petitioner has drawn attention of Court to the statement under Section 164 Cr. P.C. rendered by the prosecutrix.

There is no allegation of rape in the statement under Section 164 Cr. P.C.

Learned Public Prosecutor and counsel for the complainant vehemently opposed the bail applications.

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 petitioners under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioners **(1) Gafoor Khan S/o Sh. Chanane Khan and (2) Swaroop Khan S/o Shri Ramjoo Khan** shall be released on bail in connection with FIR No.101/2020 of P.S. Mahila Thana, Jaisalmer provided each of them execute 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 their 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.

37-38 Sanjay/-