HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 11777/2024

Pankaj @ Badal S/o Bachchu, Aged About 22 Years, R/o Varipura, Police Station Basaidang, District Dholpur (Raj.). (At Present Confined In District Jail, Dholpur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Anil Jain with Mr. Udit Sapra
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

12/12/2024

1. The instant bail application has been filed under Section 483 of BNSS., on behalf of the petitioner, who has been arrested in connection with FIR No.61/2024 registered at Police Station Basaidang, District Dholpur (Raj.) for the offence punishable under Sections 115(2), 126(2) & 64(1) of BNS.

2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Counsel submits that victim is a married lady who was aged about 36 years. He submits that alleged offence was committed on 21.07.2024 but matter was reported to the police after a delay of eight days for which there is no proper explanation is available on record. It is submitted that police has submitted the charge-sheet and trial of the case will take considerable time. Petitioner is in custody since 03.08.2024.

Further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor opposes the bail application. He submits that there is serious allegation against the petitioner of committing forceful sexual intercourse with the victim.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner & charge-sheet has been filed; looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application. The observations made hereinabove is only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

6. This bail application is accordingly allowed and it is directed that accused-petitioner - **Pankaj @ Badal S/o Bachchu,** shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall mark his presence once in every three months in the concerned

police station.

8. If breach of any of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the bail granted to him by this Court.

9. Office is directed to send copy of this order forthwith to the accused petitioner through concerned Jail Superintendent. Office is also directed to send copy of this order to the concerned trial court forthwith. After receiving copy of this order, the learned trial court shall intimate the accused petitioner regarding this bail granting order.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN /161