HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6342/2024

Ramdev S/o Sh Nimbaram, Aged About 24 Years, R/o Suras, Police Station Shambugarh, Distt Bhilwara. (At Present Lodged In Distt Jail Bhilwara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr.R.S. Charan
For Respondent(s) : Mr. Mukhtiyar Khan, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

30/05/2024

1. The jurisdiction of this court has been invoked by way of filing an application under Section 439 CrPC at the instance of accused-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	34/2024
2.	Concerned Police Station	Rayla
3.	District	Shahpura
4.	Offences alleged in the FIR	Sections 384 and 376(2)(n) of the IPC
5.	Offences added, if any	-
6.	Date of passing of impugned order	18.05.2024

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-

petitioner and he has been made an accused based on conjectures and surmises.

3. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.

4. Heard and considered the considered the submissions by the parties made the bar and have perused the material available on record.

5. The victim is a 20 years old major girl and she was in relationship with the petitioner since lst 3-4 years. She alleged to have been seduced 13-14 months prior to lodging of the FIR when she went with him on a Motorcycle. It is not comprehensible that on how many occasions she was forced to establish physical relationship. She never ever made complain to anyone. There is an inordinate delay in lodging of the FIR. Admittedly, no electronic material has been collected from the petitioner during investigation so as to justify the pretext taken by the victim behind not disclosing the fact to anyone.

6. Considering the overall facts and circumstances and looking to the high probability that the trial may take long time to conclude this Court is inclined to grant the benefit of bail to the petitioner.

7. It is nigh well settled law that at a pre-conviction stage; bail is a rule and denial from the same should be an exception. The purpose behind keeping an accused behind the bars during trial would be to secure his presence on the day of conviction so that

he may receive the sentence as would be awarded to him. Otherwise, it is the rule of Crimnal Jurisprudence that he shall be presumed innocent until the guilt is proved.

8. Accordingly, the instant bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner as named in the cause title shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(FARJAND ALI),J

356-Mamta/-