HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6368/2024

Malkeet Singh S/o Sh Sharwan Singh, Aged About 23 Years, R/o Ward No 7, Bawriyo Wali Dhani, Chakk 03 M.o.d. , P.s. Sadar, Distt Hanumangarh. (Presently Lodged At Distt Jail Hanumangarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Pankaj Kr. Gupta
For Respondent(s) : Mr. Manish Vyas

HON'BLE MR. JUSTICE FARJAND ALI

Order

22/05/2024

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	64/2024
2.	Concerned Police Station	Mahila
3.	District	Hanumangarh
4.	Offences alleged in the FIR	Sections 365, 506, 342, 328, 376(2)(n) & 376-D of the IPC
5.	Offences added, if any	Sections 323 & 366 of the IPC
6.	Date of passing of impugned order	16.05.2024

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. I have heard and considered the submissions made by both the parties and perused the material available on record.

5. The victim is a 21 years old major girl, who is well aware of her pretty bad and good. The manner in which she alleged to have been taken away and subjected to rape does not inspire confidence. The incident of rape occurred on 09.03.2024 and whereafter till 14.03.2024 she remained with the petitioner at an isolated place. The Call Data Analysis report dated 03.04.2024 revealing that several calls had been exchanged in between them thus tentatively, the defence story can be believed that there were consensual relationship between the parties. After investigation, charge-sheet has been filed and there is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

6. 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.

7. 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

512-Mamta/-