HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous II Bail Application No. 803/2025

Aanand Goswami S/o Sishupal Giri, Aged About 20 Years, R/o Malkisar Chota, P.s. Loonkaransar, Presently At Near Hanuman Ji Mandir, Choudhary Colony Gangasahar, P.s. Gangasahar, Dist Bikaner, Raj (Presently Lodged In Dist Jail Bikaner)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Jangsher Khan
For Respondent(s) : Mr. Shriram Choudhary, Addl. G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

30/01/2025

1. The jurisdiction of this Court has been invoked by way of filing an application under 483 of the BNSS 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	60/2024
2.	Concerned Police Station	Deshnok
3.	District	Bikaner
4.	Offences alleged in the FIR	Under Sections 420, 406, 450, 376(1), 366, 384, 376(D) of the BNS
5.	Offences added, if any	-
6.	Date of passing of impugned order	10.01.2025

2. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against the petitioner and he has been made an accused based on

conjectures and surmises. The co-accused Raju Singh, against whom allegations are of graver nature, has already been enlarged on bail and thus, the petitioner too deserves the same indulgence. There are no factors at play in the case at hand that may work against grant of bail to him and his further incarceration is not warranted.

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 considered the submissions made by both the parties and have perused the material available on record. Co-accused Raju Singh has already been granted bail by this court vide order dated 17.12.2024 passed in S.B. Criminal Misc. Bail Application No.15094/2024. The relevant part of the said order is reproduced hereunder for the sake of ready reference :-

> *"4. Heard learned counsel for the parties as well as gone through the charge-sheet and the material collected during investigation.*
>
> *5. The victim is an educated and grown-up girl. Though, she has alleged in her statement recorded under Section 164 of Cr.P.C. regarding subjecting her to rape by the petitioner at Hisar when she left her parents' home to join his company there. However, when going through a letter purportedly written by her, it would reveal that she has narrated an altogether different story what has been deposed in her statement under Section 164 of Cr.P.C. The another glaring aspect of the matter would be her statement recorded on*

29.04.2024 in MPR No.07 dated 23.03.2024 of Police Station Deshnok, District Bikaner. A perusal of the above would reveal that she in an unequivocal and unambiguous term stated that she stayed with the petitioner but nothing wrong was committed with her in the contrast she claims that she was taken care of by him as his sister. Now there are two kind of statement; one is against the petitioner and the other exonerating him from the charges. The principle of criminal jurisprudence persuades this Court to lean towards acceptance of the statement made in favour of the petitioner since it is a question of liberty of an individual which has taken sacrosanct by the Constitution of India. After investigation, charge-sheet has been filed and of course, the trial would likely to take a long time to reach on a legitimate conclusion. Until reaching the culmination, there would be no justification to keep the petitioner behind the bars. 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. Accordingly, the instant bail application under Section 483 of BNSS (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."

5. In light of the above order, the statements of the victim and since case of the petitioner apparently stands on better footing than the co-accused released on bail, he too deserves

the same indulgence on the ground of parity. 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. Accordingly, the instant bail application under Section 483 of the BNS 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

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