HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2287/2026
CNR: RJHC010156872026 | URN: CRLMB / 5178U / 2026

Mobin Khan @ Monu S/o Islamudeen @ Aslambhai, Aged About 27 Years, R/o Kanji House Ke Pass, Jail Road Sirohi, Tehsil And District Sirohi, Rajasthan. (Presently Lodged In Sirohi Jail)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Sikander Khan Mr. Hena Aman Siddiqui
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

10/08/2026

1. The applicant has filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 04.12.2025 passed by the learned Sessions Judge, Sirohi in Criminal Misc. Bail Case No.292/2025, whereby the bail application filed by the accused-applicant under Section 483 of B.N.S.S. was rejected. The accused-applicant is behind the bars, pursuant to the F.I.R. No.28/2025 registered at Police Station Mahila Thana (Sirohi), District Sirohi for the offences punishable under Sections 143, 354, 354(d), 366, 343, 506 & 376(2)(n) of IPC.

2. Learned counsel for the applicant submits that as per the statements of the prosecutrix herself, she has clearly stated that she had been in a relationship with the applicant for the last eight

years. Learned counsel refers to the cross-examination of the prosecutrix, wherein she has admitted that from year 2018 to 2025, she was in a consensual relationship with the applicant. Learned counsel further submits that there are inconsistencies in the statements of the prosecutrix, recorded under Sections 180 and 183 of the BNSS, as well as in her deposition recorded as PW-1. Learned counsel submits that a case, arising out of a consensual relationship has been given a criminal colour on the ground that the prosecutrix was intended to be married to someone else, which is evident from her cross-examination. Learned counsel further submits that as per the statements of the prosecutrix herself, she accompanied the applicant to different places and did not raise any hue and cry before anyone. Learned counsel, therefore, prays that the benefit of bail may be granted to the accused-applicant.

3. Per contra, learned Public Prosecutor opposes the bail application.

4. Heard learned counsel for the applicant as well as learned Public Prosecutor and perused the material available on record.

5. I have considered the arguments advanced by learned counsel for both sides and find substance in arguments of counsel for applicant that *prima facie*, the case in hand is a case of consensual relationship. The statements of the prosecutrix, recorded under Sections 180 and 183 of BNSS *prima facie* reveal apparent inconsistencies. During her cross-examination, the prosecutrix admitted that she was in a consensual relationship with the applicant and during the course of such relationship, they used to travel together without any dispute whatsoever. This Court

finds that in the aforesaid circumstances, coupled with the fact that the prosecutrix travelled to various places with the applicant without raising any hue and cry before anyone, *prima facie* indicates that a consensual relationship between the parties was subsequently given a criminal colour, thus, this Court *prima facie* finds it a fit case to enlarge the accused-applicant on bail.

6. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail.

7. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant **Mobin Khan @ Monu S/o Islamudeen @ Aslambhai,** arrested in connection with F.I.R. No.28/2025 registered at Police Station Mahila Thana (Sirohi), District Sirohi shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

8. It is further, made clear that the findings recorded/observations made herein above are for limited purposes of adjudication of bail application, and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J

5/Mohit Kumar