HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8575/2026
CNR: RJHC010531622026 | URN: CRLMB / 18582U / 2026

Nishant S/o Jagdish, Aged About 21 Years, R/o 826, Dastur Mehar Road, Jj Garden, Samor, Parsi Ageri Police Station Camp, Pune District Pune(Maharastra) .(Presently Lodged In Central Jail, Churu)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Girish Kumar S/o Bhagwati Prasad, R/o Bhargav Chowk Ward No. 26 Ratangarh Churu, District Churu Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Vikas Bijarnia.
For Respondent(s)	:	Mr. Sameer Pareek, P.P.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

05/08/2026

1. The instant second bail application has been filed by the petitioner under Section 483 BNSS who has been arrested in connection with the FIR No.461/2025 dated 21.12.2025 registered at the Police Station Ratangarh, District Churu, for the offences under Sections 137 (2), 64 (1), 96 of BNS & Section 3/4, 16/17 of the POCSO Act.

2. Vide order dated 28.04.2026, the first bail application of the petitioner was dismissed as not pressed with liberty to renew the prayer after the statements of the victim. He submits that now the victim has been examined as PW/1 and statements have been recorded, therefore the instant bail application has been filed.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case while alleging that the petitioner lured the complainant’s daughter and has forcefully

taken her along with him and committed rape with her. Learned counsel for the petitioner further submits that the complainant's daughter – PW1 in her statements has stated that the petitioner and she were friends on social media Instagram and on 20.12.2025, the petitioner called her while informing that he has come near to her house and PW1 met the petitioner and the petitioner forced her to accompany him, and, despite her initial refusal, allegedly compelled her to sit in his car, switched off her mobile phone, and thereafter took her to a hotel at Bagru, Jaipur, where he allegedly committed rape upon her. He submits that it is a case of consensual relationship where the petitioner is 21 years old and the PW1 is 18 years old and had she in fact been forcibly abducted from Ratangarh to Jaipur, a distance of nearly 200 kilometres, she had ample opportunity to raise hue and cry, seek assistance from members of the public, or escape during the course of the journey. He further submits that there is also ambiguity with regard to the age of the prosecutrix, while the prosecution seeks to project that she was 17 years, 11 months and 29 days old on the date of the alleged incident, PW-1 herself has categorically stated in her testimony that she was 18 years of age. He also submits that the statements made by PW1 are contradictory in nature, as in her statements recorded under Section 161 Cr.PC., she stated that she left her home on 20.12.2025 around 10:30 AM without informing her family members and travelled to Jaipur and after reaching jaipur she received a call from the petitioner and came to know that the petitioner along with his friends had come to Jaipur, where they

both met, had food together and she specifically stated that no wrong was committed with her. Concluding his arguments, learned counsel for the petitioner submits that the petitioner has no prior criminal antecedents, he is in custody since 24.12.2025 and therefore, prays that the petitioner may be enlarged on bail.

4. Per contra, learned Public Prosecutor opposed the bail application and submits that PW1 in her statements has categorically stated that the petitioner has committed rape with her, however, he is not in a position to refute the submissions advanced on behalf of the petitioner that the petitioner and the prosecutrix were acquainted through the social media platform Instagram and were friends; that, according to the prosecutrix herself, she met the petitioner near a temple close to her residence on 20.12.2025; that despite alleging force, she travelled with the petitioner from Ratangarh to Jaipur, covering a distance of nearly 200 kilometres, without raising any alarm or seeking assistance from any member of the public; that there exists a material discrepancy regarding her age, inasmuch as while the prosecution seeks to establish that she was 17 years, 11 months and 29 days old on the date of the incident, the prosecutrix herself stated in her testimony that she was 18 years of age; and that there are material contradictions between her statement recorded under Section 161 Cr.P.C. and her deposition before the learned trial Court. In particular, in her statement under Section 161 Cr.P.C., she stated that she had voluntarily left her house on 20.12.2025 at about 10:30 a.m. without informing her family members, travelled to Jaipur on her own, thereafter met the

petitioner upon receiving his phone call, had food together with him, and specifically stated that no wrongful act had been committed against her. Learned Public Prosecutor is also not in a position to dispute the fact that the petitioner has no previous criminal antecedents. He further submits that service upon respondent No.2 is complete and the service report dated 09.07.2026 is taken on record.

5. Having considered the submissions advanced at Bar by learned counsel for the parties and having regard to the entirety of facts and circumstances of the case as available on record; and looking to the fact that trial may take a long time to conclude and, without expressing any opinion on the merits/demerits of the case, this Court deems it fit to enlarge the petitioner on bail.

6. Consequently, the bail application is allowed. It is ordered that the accused petitioner **Nishant S/o Jagdish,** arrested in connection with FIR No.461/2025 dated 21.12.2025 registered at the Police Station Ratangarh, District Churu, shall be released on bail; provided she furnishes a personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the learned trial Court, with a stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

(DR.NUPUR BHATI),J

191/Pradeep Kumar Limba