HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 9697/2026
CNR: RJHC010695412026 | URN: CRLMB / 21167U / 2026

Prakash S/o Anoparam, Aged About 20 Years, R/o Fatehgarh Police Station Sangad District Jaisalmer Rajasthan (Presently Lodged In District Jail Jaisalmer)

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Chandaram S/o Hemaram, R/o Fatehgarh Police Station Sangad District Jai Jaisalmer Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Surendra Bagmalani
For Respondent(s)	:	Mr. Hanuman Prajapati, PP assisted by Mr. Omprakash Choudhary Mr. Rana Ram Veera, for complainant

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HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

1. This application for bail under Section 483 BNSS has been filed by the petitioner, who has been arrested in connection with F.I.R. No.33/2026 registered at Police Station Sangad, District Jaisalmer for the offence under Sections 115(2), 126(2), 137(2), 127(2), 272 BNS, 2023 and Section 3/4, 5(E)/6, 9(U)(M)/10, 11(II)(VI)/12 of POCSO Act, 2012 and Section 84 of Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Counsel for the petitioner contends that the petitioner an innocent person. He has falsely been implicated in this case. It has been alleged that the petitioner lured seven minor children i.e. Vi, Ra, Vi, Ra Ji , Mo and Gu, who were playing in street by offering

them chocolate, cold drink etc., and later on took all of them on his motor-cycle to cremation ground at Fatehgarh and committed brutality. Counsel for the petitioner submits that the entire story is absolutely false, concocted and cooked-up. In fact, the children were playing on road at the relevant time and they came in front of the motor-cycle and petitioner ran behind them and scolded them. No brutality or sexual assault of any sort was committed by the petitioner. The petitioner has no criminal antecedents. Charge-sheet has already been filed. The petitioner is behind bars since 10.05.2026 and trial of case is bond to take a long time. Further, it is stated that the complainant as well as the victim/children have turned hostile before the learned trial court and have not supported the prosecution story, thus, prayed to grant bail to the petitioner.

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

4. Complainant present in Court does not dispute the fact that the witnesses have not supported the prosecution version and have turned hostile.

5. Heard learned counsel for the parties and perused the material available on record.

6. In the present case, in the court statement of witnesses, complainant-Chandraram (PW-1) and the victim/children, **Ra** (PW-2), **Vij** (PW-3), Mohan (PW-4), **Rah** (PW-5), Gulabaram (PW-6), **Vi** (PW-7), they have not supported the prosecution case. Almost each of them states that while they were playing, they came in front of mother-cycle of Prakash, who scolded them and ran behind them

with stick. However, nobody stated about Prakash took away children to cremation ground and committed brutality/ sexual assault with them. The children clearly denied of being taken to cremation ground; offering of chocolate, cold drink. Both the parents have clearly stated that no such incident had ever happened. The petitioner never took them to cremation ground or treated them with brutality. More so, the medical report also does not support the prosecution story.

7. Looking to overall facts and circumstances of the case and Keeping in view the fact that conclusion of trial of case is likely to take time and the prosecution has not shown any apprehension of the petitioner fleeing away from justice in case he is enlarged on bail; but, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the petitioner under Section 483 of BNSS.

8. Consequently, the bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Prakash S/o. Anoparam** arrested in connection with the F.I.R. aforesaid 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 the trial court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(BALJINDER SINGH SANDHU),J

306/Sanjay Tanwar