
(2019) 02 RAJ CK 0217

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail No. 2378 Of 2019

Abhishek Pandey

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 25-02-2019

Acts Referred:

Indian Penal Code, 1860 — Section 312, 366, 376(2)(n)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2019) 02 RAJ CK 0217

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Sudhir Saruparia, Deepak Choudhary, Kaushal Gautam

Final Decision : Allowed

Judgement

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

The petitioner has been arrested in FIR No.02/2019 of Police Station Jai Narain Vyas Colony, Distt. Bikaner for the offences punishable under Sections 366, 376(2)(n) and 312 IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that the prosecutrix in her complaint as well as in the statement has alleged that the petitioner had sexually assaulted her on 21.10.2017 and thereafter up to July, 2018 on several occasions. It is argued that in the FIR, the prosecutrix has alleged that parents of the petitioner are also involved in the commission of crime. She has further alleged that petitioner had forcibly took money and some ornaments from her. Learned counsel for the petitioner has submitted that the police have found the allegations of involvement of parents of the petitioner and of misappropriation of amount as not proved. It is submitted that as a matter of fact, the complainant and the petitioner are in relation and when the complainant insisted the petitioner to marry with her, he refused to do so due to his family condition,

then, this false FIR has been lodged against him. It is also submitted that the complainant has also alleged that the petitioner had forced her to abort her unborn child, but as per the opinion of the Doctor, the allegation of forcible abortion is not proved. Learned counsel for the petitioner has further submitted that the complainant was major at the time of alleged incident and the relations between the complainant and the petitioner were consensual. It is submitted that charge-sheet has been filed in the matter and the trial of the case is likely to take time.

Learned Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner - Abhishek Pandey S/o Dinesh Pandey shall be released on bail in connection with FIR No.02/2019 of Police Station Jai Narain Vyas Colony, Distt. Bikaner provided he executes a personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his/her/their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.