
(2017) 05 RAJ CK 0023
In the Rajasthan High Court
Case No : 3748 of 2017

Amit S/o Bhuru (Bheru) by caste Saini	APPELLANT
Vs	
Tha State of Rajasthan	RESPONDENT

Date of Decision : 04-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#), [Section 161](#), [Section 164](#) - Special powers of High Court or Court of Session regarding bail - Examination of witnesses by pol

Citation : (2017) 05 RAJ CK 0023

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Kaushal Gautam, A.S. Rathore

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the challan papers.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioner who is in custody in connection with F.I.R. No.157/2016, registered at Police Station Gajner, District Bikaner for the offences under Sections 363, 366-A and 376(2)(N) IPC and Section 5L/6 of the POCSO Act.
3. Investigation is complete, charge-sheet has been filed against the petitioner for the above offences. Learned counsel Shri Gautam urges that the entire prosecution story is false and fabricated. Two victim girls Mst.N and Mst.B in their statements recorded under Section 161 Cr.P.C. clearly stated of love affairs

with the petitioner and that they had gone with the petitioner to various places of their own free will and that the petitioner subjected them to sexual intercourse under the false pretext of marrying them. Both the girls were together at that time. Thus the arguments advanced by the learned counsel for the petitioner that the prosecution story is unbelievable, is not without any merit. Furthermore when the two girls were examined under Section 164 Cr.P.C. they virtually gave up the allegation of sexual intercourse and stated that the petitioner gave them some intoxicant with juice in the fair at Village on 14.11.2016 and they did not know as to what happened thereafter.

4. In this background and having regard to the facts and circumstances available on record but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner deserves to be released on bail.

5. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Amit arrested in connection with the F.I.R. No.157/2016, registered at Police Station Gajner, District Bikaner shall be released on bail provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.