

(2022) 08 RAJ CK 0062

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 9829 Of 2022

Babu Meena @ Tinku Kumar

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 26-08-2022

Acts Referred:

Indian Penal Code, 1860 — Section 343, 363, 366A, 376D, 376(2)(n), 457
Protection Of Children From Sexual Offences Act, 2012 — Section 5(L), 6
Code Of Criminal Procedure, 1973 — Section 164, 439

Citation : (2022) 08 RAJ CK 0062

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : R.S. Chundawat, Mukesh Trivedi, M.S. Soni

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The petitioner has been arrested in connection with FIR No. 69/2022 of Police Station Mandalgarh, District Bhilwara for the offence punishable under Sections 343, 363, 366-A, 376-D, 376(2)(n), 457) of IPC and Sections 5(L)/6 of POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that according to the statement of prosecutrix recorded under Section 164 Cr.P.C., specific averment for committing rape has been levelled against co-accused-Bheru and the present petitioner was merely present at the time of incident. Challan of the case has already been presented. The accused-petitioner is behind the bars and the trial of the case will take sufficient long time to be concluded.

Therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Public Prosecutor and 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, the bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Babu Meena @ Tinku Kumar S/o Madan Lal Meena, shall be released on bail in connection with FIR No.69/2022 of Police Station Mandalgarh, District Bhilwara provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/-each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.