
(2017) 04 RAJ CK 0059
In the Rajasthan High Court
Case No : 2951 of 2017

Chandra Prakash S/o Onkar Soni

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 12-04-2017

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) 04 RAJ CK 0059

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Rahul Bathi, Ashok Upadhyay

Judgement

1. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.
2. The instant bail application under Section 439 Cr.P.C. has been preferred on behalf of the petitioners who are in custody in connection with F.I.R. No.174/2016, registered at Police Station Kotadi, District Bhilwara for the offences under Sections 363, 366A, 342, 323 and 120B IPC and Sections 16/17 & 18 of the POCSO Act.
3. The victim Mst.S in her statement recorded under Section 161 Cr.P.C. clearly took the petitioners' name as the assailants. However, upon being examined under Section 164 Cr.P.C., she stated that she did not know the accused from before and alleged

that she could identify them.

4. Looking to the significant and material contradictions in two statements of the victim 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 petitioners deserve to be released on bail.

5. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioners (1) Chandra Prakash and (2) Smt. Hulasi Nath arrested in connection with the F.I.R. No.174/2016, registered at Police Station Kotadi, District Bhilwara shall be released on bail provided they furnish a personal bond of Rs.50,000/- each 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.