

(2017) 04 RAJ CK 0032
In the Rajasthan High Court
Case No : 2925 of 2017

Jadish S/o Shri Ram Lal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 06-04-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 323](#),
[Section 354](#)

Citation : (2017) 04 RAJ CK 0032

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Rajesh Saharan, K.V. Vyas

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner 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 petitioner who is in custody in connection with F.I.R. No.401/2016, registered at Police Station Hanumangarh Town for the offences under Section 377 IPC and Sections 4 and 6 of POCSO Act, 2012.
3. The victim is a deaf and dumb child. As per the admitted prosecution case, he does not understand sign language. There is no eye-witness of the incident in which it is alleged that the petitioner sexually assaulted the victim. The entire prosecution

case is set up in the statement of Jogender Singh, the victim's father who alleged that when he made enquiries from the victim by signs etc., he came to know that the present petitioner sexually assaulted the victim. There is available on record, copy of the criminal case instituted by Smt. Mohra Devi mother of the present petitioner on 25.6.2016 in relation to an incident dated 23.6.2016 wherein cognizance has been taken against Jogender Singh complainant of the present case for the offences under Sections 452, 323 and 354 IPC.

4. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Jadish arrested in connection with the F.I.R. No.401/2016, registered at Police Station Hanumangarh Town 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.