
(2022) 07 RAJ CK 0044
In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 6050, 7178 Of 2022

Jagdish And Others

APPELLANT

Vs

State And Others

RESPONDENT

Date of Decision : 21-07-2022

Acts Referred:

Indian Penal Code, 1860 — Section 366A, 370
Prohibition Of Child Marriage Act, 2006 — Section 9, 10, 11
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 07 RAJ CK 0044

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Vineet Jain, Ashok Kumar, Kuldeep Sharma, Sharwan Bishnoi

Final Decision : Partly Allowed

Judgement

Manoj Kumar Garg, J

Bail Application No. 7178/2022

Learned counsel for the petitioner does not want to press the bail application with liberty to file afresh after recording the statement of prosecutrix and Raju Ram.

Hence, the bail application is hereby dismissed as not pressed with liberty as prayed for.

The trial court is directed to record their statement as early as possible.

Bail Application No. 6050/2022

The petitioners have been arrested in connection with FIR No.35/2022 of Police Station Gajner, Distt. Bikaner for the offence punishable under Sections 370 & 366A of IPC and Section 3/4 of POCSO Act and Sections 9, 10 & 11 of the Child Marriage Protection Act. They have preferred this bail application under Section

439 Cr.P.C.

Counsel for the petitioner No.1 Rani does not want to press the bail application with liberty to file afresh after recording the statement of prosecutrix and Raju Ram.

Hence, the bail application filed by the petitioner is hereby dismissed as not pressed with liberty as prayed for qua petitioner No.1 Rani.

The trial Court is directed to record their statement as early as possible.

So far as petitioners No.2 Tulcha and Petitioner No.3 Ravi, counsel submits that no specific role has been assigned against the accused-petitioners. Challan of the case has already been presented. The accused-petitioners are in judicial custody 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-petitioners.

Learned Public Prosecutor has 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 petitioners under Section 439 Cr.P.C.

Accordingly, the bail application filed under Sec.439 Cr.P.C. is partly allowed and it is directed that petitioners No.2-Tulcha W/o Shri Golu @ Kanejalal & petitioner No.3- Ravi @ Roop Singh S/o Motilal, shall be released on bail in connection with FIR No. 35/2022 of Police Station Gajner, Distt. Bikaner provided they execute a personal bond in a sum of Rs.1,00,000/-each with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of learned trial court for 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.