

(2023) 10 RAJ CK 0021

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 9143 Of 2023

Jagdish Vishnoi

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 04-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 363, 376, 376(2)(N)

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 5(L), 6

Citation : (2023) 10 RAJ CK 0021

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Hukum Singh Chouhan, Arun Kumar, S.S.Shaktawat, Prem Singh

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.145/2023, Police Station Rashmi, Distt. Chittorgarh for the offence under Sections 363, 376, 376(2)(N) of IPC and Section 3/4, 5(L)/6 of POCSO Act.

Learned counsel for the petitioner submits that the victim in her statement under Section 164 Cr.P.C. clearly mentioned that no rape has been committed by the petitioner. She went with the petitioner out of her own free will and they resided together for about 4 days. Challan of the case has already been presented. The petitioner is in judicial custody and the trial of the case will take sufficient long time. Therefore, the benefit of bail may be granted to the accused-petitioner.

Learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the bail application.

I have considered the arguments advanced before me and gone through the material available on record.

Taking into account the facts and circumstances of the case, without commenting on the merits of the case, this Court deems it just and proper to release the petitioner on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner Jagdish Vishnoi S/o Aashuram Vishnoi shall be enlarged on bail in FIR No.145/2023, Police Station Rashmi, Distt. Chittorgarh provided he furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.