

(2022) 06 RAJ CK 0007

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 7145 Of 2022

Jayesh

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 01-06-2022

Acts Referred:

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Indian Penal Code, 1860 — Section 376(2)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 06 RAJ CK 0007

Hon'ble Judges : Dr.Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Gopal Singh Bhati, MA Siddiqui, Bhawani Singh

Final Decision : Allowed

Judgement

Dr. Pushpendra Singh Bhati, J

This Court has perused the material available on record.

The petitioner has been arrested in FIR No.57/2022 of Police Station Aaspur, District Dungarpur for the offences punishable under Section 376(2) and Section 3/4 of POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Counsel for the petitioner submits that there is a delay in lodging the FIR and the age of the prosecutrix is above 16 years. Therefore, it is prayed that the petitioner may be released on bail.

Counsel for the complainant does not oppose the bail application.

However, learned Additional Advocate General has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Jayesh S/o Narayan Meena shall be released on bail in connection with FIR No.57/2022 of Police Station Aaspur, District Dungarpur provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- 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.

Learned Public Prosecutor shall be free to move an appropriate application for recovery of any kind of compensation which would have been granted to the rape victim.