
(2021) 05 RAJ CK 0066

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 4705 Of 2021

Kishan Lal @ Kishana Ram And Ors

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 21-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 365, 376D, 450
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 05 RAJ CK 0066

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Kishan Lal Vishnoi, Shrawan Bishnoi

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioners through VC as well as learned Public Prosecutor and also perused the material on record.

The petitioners have been arrested in FIR No.548/2020 of Police Station Sanchore District Jalore for the offences punishable under Sections 376-D,

365, 450 IPC. They have preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioners has submitted that first bail application of the petitioners was dismissed by this Court as not pressed while granting

them liberty to file fresh bail application before the trial court after filing of charge-sheet. It is submitted that now charge-sheet has been filed. It is

argued that allegation against the petitioners of sexually assaulting the (2 of 2) [CRLMB-4705/2021] prosecutrix is absolutely false. It is submitted that

there is delay of several hours in filing the complaint against the petitioners. It is submitted that from the facts and circumstances of the case, it is clear

that the story narrated by the complainant is false because in a crowded place, it

is very difficult to comprehend that the petitioner along with co-accused person had sexually assaulted the prosecutrix. It is further submitted that the prosecutrix is a major lady and on account of some dispute between petitioners and her husband, this FIR has been lodged.

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, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioners Kishan Lal @ Kishana Ram S/o Babu Lal

and Champa Lal @ Sopa Ram S/o Mafat Lal shall be released on bail in connection with FIR No.548/2020 of Police Station Sanchoore District Jalore

provided each of them 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.