
(2016) 04 RAJ CK 0081

In the Rajasthan High Court

Case No : Criminal Misc. Bail Application No.3424 of 2016

Lal Chand.

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 23-04-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 376(1), 450

Citation : (2016) 2 RLW 1683

Hon'ble Judges : Mr. Sandeep Mehta, J.

Bench : Single Bench

Advocate : Mr Rajendra Charan, Advocate, for the Appellant; Mr. Arjun Singh Rathore, Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Sandeep Mehta, J.—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.291/2015, registered at Police Station Lalgah, District Sri Ganganagar for the offences under Sections 450 and 376(1) of the IPC.

2. Learned counsel for the petitioner submits that the prosecutrix is a major married woman. The manner in which, she narrated about the incident is improbable. It is a case of consensual relations which has been given colour of rape when incident came to the knowledge of the husband of the prosecutrix. Thus, he prays that the petitioner deserves to be released on bail.

3. Learned Public Prosecutor vehemently opposes the submissions advanced by the learned counsel for the petitioner.

4. I have heard the rival arguments advanced by the counsel for the parties and perused the material available on the record. Any comment on the veracity of the statement of the prosecutrix at this stage is bound to prejudice the prosecution case at the trial. Nonetheless, the argument advanced by the petitioner's

counsel that the prosecution story is improbable and that it is a case of consensual sexual relations between two major persons is not without substance.

5. Thus, having regard to the facts and circumstances available on the record, but without expressing any opinion on the merits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Lal Chand S/o Dola Ram @ Daulat Ram arrested in connection with the F.I.R. No.291/2015, registered at Police Station Lalgah, District Sri Ganganagar 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.