

(2017) 05 RAJ CK 0102
In the Rajasthan High Court
Case No : 4318 of 2017

Manoj Kumar Son of Shri Satyanarayan	APPELLANT
Vs	
State of Rajasthan Through Public Prosecutor	RESPONDENT

Date of Decision : 22-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#), [Section 161](#) - Special powers of High Court or Court of Session regarding bail - Examination of witnesses by police
[Indian Pen](#)

Citation : (2017) 05 RAJ CK 0102

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Firoz Khan, AS Rathore

Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
2. 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.17/2017, registered at Police Station Nokha, District Bikaner for the offences under Sections 366 and 376 IPC.
3. The prosecutrix, aged 28 years, in her statement recorded under Section 161 Cr.P.C. clearly admitted that she was a married woman having four children. She went away with the present petitioner because her husband used to harass her. She further clearly stated that the petitioner did not establish sexual relations

with her. Therefore, it is apparent that it is a case of willful elopement rather than abduction.

4. In this background and having regard to the facts and circumstances available on record but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner deserves to be released on bail.

5. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Manoj Kumar arrested in connection with F.I.R. No.17/2017, registered at Police Station Nokha, District Bikaner 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.