
(1988) 06 RAJ CK 0007

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Petition No. 478 of 1988

Momta Ram

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 16-06-1988

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164, 438

Citation : (1988) WLN 315

Hon'ble Judges : Milap Chand Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Milap Chandra, J.—It is stated by the learned Counsel for the accused petitioner that the investigation. has not been fair in this case despite moving the several applications to the higher Police Authorities by the Naranram, brothers of the accused petitioner Momtaram. He further contended that due to party politics and enmity, the petitioner has falsely been implicated in this case. He justified and contended that no independent evidence so far could be collected against the accused petitioner.

2. In reply, it has been contended by the learned Public Prosecutor that Mst. Pankhu has categorically disclosed to her statement recorded u/s 164 Cr. PC that the accused petitioner forcibly took and raped her. He also pointed out the report of the Medical Board wherein it has categorically been stated that Mst. Pankhu was subjected to forcible induction of a hard object in her vagina and possibility of rape could not be ruled out. Lastly he contended that it is further clear from the X-Ray report and chemical examination that age of Pankhu is about 9 to 10 years.

3. The learned Counsel for the accused petitioner requested that the Director General of Police, Rajasthan, Jaipu may be directed to handover the investigation to an independent Investigating Officer.

4. Under the facts and circumstances of the case, the accused petitioner is not entitled to anticipatory bail.
5. The application moved u/s 438Cr. PC by the accused petitioner Momtaram is hereby rejected.
6. Let the photo stat copies of the applications dated 6-3-1988 and 16-3 1988 bearing the order passed on them be sent to the Director General of Police, Rajasthan, Jaipur for the implementation of the orders passed by him on them. The accused petitioner will provide the photo stat copies of these applications and orders.