

(2022) 05 RAJ CK 0150
In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 6010, 6531 Of 2022

Pappulal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 368

Code Of Criminal Procedure, 1973 — Section 161, 164, 439

Protection Of Children From Sexual Offences Act, 2012 — Section 16, 17

Citation : (2022) 05 RAJ CK 0150

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

Bench : Single Bench

Advocate : Love Jain, Rajendra Singh Rathore, Anil Joshi

Final Decision : Allowed

Judgement

Dr. Pushpendra Singh Bhati, J

This Court perused the material available on record.

The petitioners have been arrested in connection with FIR No.47/2022 of Police Station Delwara, District Rajsamand for the offence punishable under Section 368 IPC and Section 16/17 of POCSO Act. They have preferred these bail applications under Section 439 Cr.P.C.

Learned counsel for the petitioners has shown paragraph 6 of the impugned order whereby the learned trial court has recorded that in the statements rendered by the prosecutrix under Sections 161 & 164 Cr.P.C., the allegation of establishing sexual relationship is against one Ganga Ram.

Learned Public Prosecutor opposes the bail application.

It is not a point of consideration before this Court today as to how far the relationship with Ganga Ram, will weigh during investigation. Looking into the age of prosecutrix, coupled with absence of any kind of allegation pertaining to

the offence of rape or establishing any sexual relationship levelled against the present petitioners, this Court is of the opinion that at this stage, the custody of the petitioners in this case is not warranted.

Thus, 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 petitioners under Section 439 Cr.P.C.

Accordingly, these bail applications filed under Section 439 Cr.P.C. is allowed and it is directed that petitioners (1) Pappulal S/o Shri Gopilal and (2) Vishnu S/o Ambalal, shall be released on bail in connection with FIR No.47/2022 of Police Station Delwara, District Rajsamand provided each of them execute 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 their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.