
(2017) 04 RAJ CK 0083
In the Rajasthan High Court
Case No : 3086 of 2017

Patiya S/o Shri Bheriya

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 18-04-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#), [Section 164](#) - Special powers of High Court or Court of Session regarding bail - Recording of confessions and statements
[India](#)

Citation : (2017) 04 RAJ CK 0083

Hon'ble Judges : P.R. Mehta, Rajesh Bhati

Bench : DIVISION BENCH

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.229/2016, registered at Police Station Khamera, District Banswara for the offences under Sections 366 and 376 IPC.
3. Prosecutrix Mst. I is a major girl. She went away with the petitioner about ten months prior to the lodging of the FIR and was allegedly kept by the petitioner at Ahmedabad. During this period, the petitioner allegedly subjected her to sexual intercourse but she never raised any protest etc. In her statement recorded

under Section 164 Cr.P.C. she stated that she conceived from the petitioner but does not desire to marry him.

4. 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 Patiya arrested in connection with the F.I.R. No.229/2016, registered at Police Station Khamera, District Banswara 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.