
(2023) 08 RAJ CK 0012

In the Rajasthan High Court

Case No : Criminal Miscellaneous 2nd Bail Application No. 9488 Of 2023

Pradeep Nath @ Raj Bhauwaji

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 03-08-2023

Acts Referred:

Indian Penal Code, 1860 — Section 376(2)(N), 420, 450
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 08 RAJ CK 0012

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Shambhoo Singh, Arun Kumar

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The petitioner has been arrested in connection with FIR No.378/2022 of Police Station Surajpole (Udaipur), for the offence punishable under Sections 376(2) (N), 508, 420, 450 IPC. He has preferred this second bail application under Section 439 Cr.P.C.

The first bail application was dismissed on 17.11.2022 by this Court with liberty to file afresh after recording the statement of the prosecutrix.

Learned counsel for the petitioner submits that now prosecutrix has been examined in Court as PW-1 and in her statement, there are material contradictions, improvements and omissions. In cross-examination, the prosecutrix admitted that she went with the petitioner to so many places and during this period, she did not raise any hue and cry. Counsel submits that if anything happened, that was with the consent of the prosecutrix.

The accused-petitioner is inside the jail since 28.09.2022 and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail

should be granted to the accused-petitioner.

Learned Public Prosecutor has opposed the second bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, the second bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Pradeep Nath @ Raj Bhauwaji S/o Shri Manginath shall be released on bail in connection with FIR No.378/2022 of Police Station Surajpole (Udaipur), provided he executes a personal bond in a sum of Rs.1,00,000/- with two sound and solvent sureties of Rs.50,000/-each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.