
(2020) 07 RAJ CK 0131
In the Rajasthan High Court
Case No : Criminal Appeal No. 931 Of 2020

Radheyshyam

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 363, 366, 376, 376(3)
Protection Of Children from Sexual Offences Act, 2012 — Section 5(L), 6
Scheduled Caste and Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(5A)

Citation : (2020) 07 RAJ CK 0131

Hon'ble Judges : Pankaj Bhandari, J

Bench : Single Bench

Advocate : F.C. Saini, Pawan Kumar Verma

Final Decision : Allowed

Judgement

1. Defect pointed out by the Registry is waived.
2. Appellant has preferred this appeal aggrieved by order dated 22.05.2020 passed by Special Judge, POCSO cases, Sikar, whereby bail application under Section 439 Cr.P.C. filed by the appellant was rejected.
3. F.I.R. No.329/2019 was registered at Police Station Ajeetgarh, Sikar for offence under Sections 363, 366, 376, 376(3) of I.P.C. and Section 5(L)/6 of POCSO Act and 3 (2)(5A) of SC/ST Act.
4. It is contended by the counsel for the appellant that prosecutrix is a major. She entered into a marriage with the appellant. Appellant has remained in custody for a period of eight months.
5. Learned Public Prosecutor has opposed the appeal.

6. I have considered the contentions.

7. Considering the contentions put-forth by the counsel for the appellant, I deem it proper to allow the appeal.

8. The order dated 22.05.2020 passed by Special Judge, POCSO cases, Sikar is set aside and the appeal is allowed and the appellant is directed to be

released on bail provided he furnishes a personal bond of Rs.1,00,000/- (Rupees One lac only) and two sureties in the sum of Rs.50,000/- (Rupees

Fifty thousand only) each to the satisfaction of the learned trial court with the stipulation to appear before that Court and any court to which the matter

is transferred, on all dates of hearing and as and when called upon to do so.