
(2022) 03 RAJ CK 0033

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 2031 Of 2022

Ramesh

APPELLANT

Vs

State And Others

RESPONDENT

Date of Decision : 09-03-2022

Acts Referred:

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

Indian Penal Code, 1860 — Section 342, 363, 366(A), 376(D)

Protection Of Children From Sexual Offences Act, 2012 — Section 3R, 3w, 4, 11, 12

Citation : (2022) 03 RAJ CK 0033

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Mangi Lal Vishnoi, Anees Bhurat

Final Decision : Dismissed

Judgement

Manoj Kumar Garg, J

The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.259/2021 Police Station Osiyan, District Jodhpur for the offence punishable under Sections 363, 366(A), 342, 376(D) IPC and Sections 3 R/w 4 and 11 R/w 12 of POCSO Act.

Learned counsel for the petitioner submits that according to the FIR as well as statements recorded under Sections 161 & 164 Cr.P.C. and subsequent statement recorded under Section 161 Cr.P.C, allegations for committing rape has not been levelled against the petitioner and for the first time in the Court, when she examined as PW1, she named the petitioner and allegations for committing rape has been levelled against the petitioner, therefore, there are contradictions in the statement of prosecutrix. In these circumstances, the bail may be granted to the petitioner.

Learned Public Prosecutor vehemently opposed the bail application filed by the petitioner.

Heard learned counsel for the petitioner as well as learned Public Prosecutor.

I have considered the arguments advanced before me and gone through the material available on record.

The prosecutrix is aged about 12 years and in her Court statement she clearly mentioned that Fula Ram, Kalu Ram and Ramesh all the three accused committed rape with her and in cross examination she also mentioned that she named the petitioner in the Police statement but the Police has not mentioned the name of present petitioner. Therefore, no case is made out for grant of bail. Hence, the present bail application filed by the petitioner is hereby dismissed at this stage.