
(2022) 09 RAJ CK 0010

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous Bail Application No. 8280 Of 2022

Rinku @ Pankaj And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-09-2022

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376(2)(N)
Protection Of Children From Sexual Offences Act, 2012 — Section 5(L), 6
Code Of Criminal Procedure, 1973 — Section 164, 439

Citation : (2022) 09 RAJ CK 0010

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Kuldeep Sharma, A.R. Choudhary, Anil Bidan Halu

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The petitioner has been arrested in connection with FIR No. 90/2022 of Police Station Sangriya, District Hanumangarh for the offence punishable under Sections 363, 366, 376(2)(N) of IPC and Section 5(L)/6 POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that according to the statement of prosecutrix recorded under Section 164 Cr.P.C., she specifically mentioned that she went along with the petitioner with her own free will and resided with him in Gujarat for about one month. Counsel further submits that if anything happened, it was with the consent of the prosecutrix. Challan of the case has already been presented. The accused-petitioner is behind the bars 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 and learned counsel for the complainant have vehemently opposed the 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 bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Rinku @ Pankaj S/o Sh. Krishan Lal, shall be released on bail in connection with FIR No.90/2022 of Police Station Sangriya, District Hanumangarh 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.