

(2017) 03 RAJ CK 0111
In the Rajasthan High Court
Case No : 1463 of 2017

Satpal S/o Sh. Sahab Ram

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 30-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 323](#),
[S](#)

Citation : (2017) 03 RAJ CK 0111

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : Pradeep Shah, Rajesh Bhati

Final Decision : Allowed

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.724/2016, registered at Police Station Rawatsar for the offences under Sections 354A, 450, 376 (2) (F) and 323 IPC .
3. Learned counsel for the petitioner contends that prosecutrix is a major married woman and it is a case of consensual relationship between her and petitioner. In order to buttress this contention, learned counsel for the petitioner drew the attention of

the Court to the statement of complainant husband Mukesh Kumar and urges that it is only when the presence of Mukesh Kumar became apparent that the prosecutrix raised the alarm. He thus urges that the petitioner deserves to be enlarged on bail.

4. Learned P.P. vehemently opposes the submission advanced by the petitioner's counsel. However he too is not in a position to dispute the fact that as per the statement of Mukesh Kumar, the husband of the prosecutrix, he returned to the house at about 3'O clock in night and was cleaning his footwear and on hearing the noise, the accused ran away and thereafter the prosecutrix raised an alarm.

5. In this background and 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.

6. Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is directed that the petitioner Satpal arrested in connection with the F.I.R. No.724/2016, registered at Police Station Rawatsar 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.