

(2025) 09 RAJ CK 0675

In the Rajasthan High Court, Jaipur Bench

Case No : Criminal Miscellaneous Bail Application No. 8626 Of 2025

Bablu

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 08-09-2025

Acts Referred:

Citation : (2025) 09 RAJ CK 0675

Hon'ble Judges : Sanjeet Purohit, J; Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Ravi Kant Sharma, Bhuvnesh Tiwari, Bhuvnesh Sharma, Visnu Dutta Sharma, Aaditya Godara, Mahi Yadav

Final Decision : Disposed of

Judgement

Ashok Kumar Jain, J

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused Bablu S/o Devilal seeking bail in respect of a criminal case registered as FIR No.89/2024 dated 01.03.2024 registered at P.S. Ghatoli, District- Jhalawar, for the offence under Sections 363, 366, 344 and 376(2)(N) of the IPC and Section 5L/6 of POCSO Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. The applicant does not have any criminal antecedents. He also submits that the applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for petitioner submitted that for incident of 08.02.2024 a report under Section 363 IPC was registered by maternal uncle of victim on 01.03.2024 and further victim was recovered on 19.12.2024. He further submitted that both petitioner accused and victim have solemnized marriage with

each other and they were happily living when victim was recovered by police. He further submitted that statement of victim were recorded under Sections 161 and 164 Cr.P.C. wherein she has not alleged anything against the petitioner accused. He further submitted that after filing of charge-sheet the statement of victim was recorded as PW-1 and in cross-examination she has admitted consensual relation with petitioner accused and factum of marriage with petitioner accused. He further submitted that he had a video conferencing meeting with petitioner accused who is in custody and he reiterated that he is willing to live with victim as husband and wife. He undertakes on behalf of petitioner accused that if victim is willing then, he will live with victim. He further submitted that at the most this is a case of child marriage but there is no use of criminal force in the matter. He also submitted that the statement of parents of victim were already recorded by the trial court.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. She has also filed a report received from concerned Police Station.

5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On the basis of report lodged by complainant (maternal uncle of victim) on 01.03.2024 about elopement of victim since 08.02.2024 the matter is investigated and victim is recovered on 19.12.2024. After investigation, a charge-sheet has been filed against petitioner accused. The date of birth of victim is 25.06.2009. The statement of victim was recorded as PW-1 on 28.05.2025 and further on 07.07.2025 the victim has stated that her parents want to marry against her choice so she solemnized marriage with petitioner accused in a temple. Parents of victim were examined as PW-2 and PW-3 by the trial court.

7. We have considered their cross-examination as well. The statement of victim were recorded under Section 183 of BNSS on 19.12.2024 and we have considered her statement as well.

8. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused

9. Thus, the instant bail application filed on behalf of applicants-accused Bablu S/o Devilal, is hereby allowed and ordered to be released on bail upon furnishing a personal bond of ₹ 50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

(i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.

(ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.

(iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.

(iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

10. The Registry is directed to send a copy of this order to the Trial Court through E-mail.