
Deepak Sharma@Divyanshu @APPELLANT@Hash State Of Rajasthan

Criminal Miscellaneous Bail No. 2877 of 2018

Court: Rajasthan High Court (Jaipur Bench)

Date of Decision: March 7, 2018

Acts Referred:

Indian Penal Code, 1860 " Section 363, 366, 376#Code of Criminal Procedure, 1973 " Section 164, 439#Protection of Children from Sexual Offences Act, 2012 " Section 16, 17

Hon'ble Judges: PANKAJ BHANDARI, J

Bench: Single Bench

Advocate: M.K. Kaushik, R. P. Singh Rathore

Final Decision: Allowed

Judgement

1. Petitioner has filed this bail application under Section 439 of Cr.P.C.

2. F.I.R. No.136/2017 was registered at Police Station Mahila Thana Dausa for offence under Section 363 of I.P.C. and Section 16/17 of POCSO

Act, 2012, during investigation Sections 366, 376 of I.P.C. were added.

3. It is contended by counsel for the petitioner that the prosecutrix in this case is aged sixteen years and five months. She went with the petitioner on

her own free will and did not raise any alarm. In her statement recorded under Section 164 of Cr.P.C, she also stated that she was not taken away by

force. She had also refused to go with her parents which is evident from the order of the Juvenile Court. It is also contended that charge-sheet has

been filed in this case. Petitioner himself is aged nineteen years.

Trial would consume time. It is a case of love affairs.

4. Learned Public Prosecutor has opposed the bail application.

5. I have considered the contentions.

6. Considering the contentions put forth by counsel for the petitioner and without expressing any opinion on the merits of the case, I deem it proper to

allow the bail application.

7. This bail application is accordingly allowed and it is directed that accused petitioner shall be released on bail provided he furnishes a personal bond

in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only)

each to the satisfaction of the learned trial court with the stipulation that he shall appear before that Court and any court to which the matter is

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