
(2019) 05 RAJ CK 0173

Rajasthan High Court

Case No: Criminal Miscellaneous Bail Application No. 5918 Of 2019

Hanuman Ram

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: May 21, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 354B, 376D, 454
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children from Sexual Offences (POCSO) Act, 2012 - Section 3, 4, 5, 6, 16, 17

Hon'ble Judges: Vijay Bishnoi, J

Bench: Single Bench

Advocate: Kishan Lal Bishnoi, N.R. Choudhary, Dinesh Bishnoi

Final Decision: Allowed

Judgement

Heard learned counsel for the petitioner, learned Public Prosecutor as well as learned counsel for the complainant and also perused the material on record.

The petitioner has been arrested in connection with FIR No.39/2019 of Police Station Chitalwana, District Jalore for the offences punishable under

Sections 454, 354B and 376D I.P.C. and 3/4, 5/6 and 16/17 of POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It is argued that prior to lodging of this FIR

against the petitioner by the complainant, the father of the petitioner had already filed an FIR at Police Station Chitalwana on 1.3.2019 wherein it is

alleged that father of the complainant and many other persons brutally assaulted the petitioner on 28.2.2019. Learned counsel for the petitioner has

submitted that in counter to the said FIR filed by the father of the petitioner, this false FIR has been lodged against the petitioner with the allegation

that the petitioner had sexually assaulted the complainant around one and a half years before and thereafter he has been sexually assaulting her

regularly. Learned counsel for the petitioner has submitted that as a matter of fact, the petitioner and family members of the complainant are

neighbours and some dispute regarding agriculture land is going on between them and on account of that, this false FIR has been filed. Learned

counsel for the petitioner has submitted that charge-sheet and been filed and trial of the case will take time.

Learned Public Prosecutor as well as 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, this bail application filed under Sec.439 Cr.P.C. is allowed and it is directed that petitioner Hanuman Ram S/o Kishna Ram shall be

released on bail in connection with FIR No.39/2019 of Police Station Chitalwana, District Jalore provided he executes a personal bond in a sum of

Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- 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.