



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 3494/2024

Ashok S/o Shri Rajuram, Aged About 30 Years, R/o Malkosni,  
P.S. Bilara, Dist. Jodhpur Rual, Rajasthan. (Lodged In Central  
Jail, Jodhpur).

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Pappu Ram S/o Shri Ratna Ram, R/o Sargaro Ka Mohalla,  
Malkosani, P.S. Bilara, Dist. Jodhpur Rural.

-----Respondents

For Petitioner(s) : Mr. Manoj Purohit  
For Respondent(s) : Mr. Arun Kumar, PP with  
Mr. C.P. Marwan

**HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI**

**Order**

**Reportable**

**19/07/2024**

1. Arrested in furtherance of FIR No.444/2023, registered at Police Station Bilara, District Jodhpur Rural, petitioner has filed this application under Section 439 Cr.P.C. for releasing him on bail. The petitioner is charged for offences punishable under Sections 323, 457, 354, 363 of the I.P.C. and Section 7/8 of POCSO Act.
2. The notice issued to respondent No.2 has been duly served. However, despite service, no one is present on behalf of the respondent No.2.
3. I have given my thoughtful consideration to the arguments advanced by learned counsel for the parties and have perused the record carefully.
4. Having given anxious consideration to the rival submissions and having examined the record with reference to the law



applicable, I am clearly of the view that the perusal of charge-sheet reveals that victim is a very tender age of 11 years. The incident was occurred in the darkness of the night. In the statement recorded under Section 164 of the Cr.P.C., victim has specifically levelled allegations against the petitioner of lurking house trespass by night, kidnapping a female child of age of 11 years and outraging of her modesty. She has specifically named the petitioner. In that view of the fact, this Court is not inclined to enlarge the petitioner on bail prior to recording of the statement of victim and her father in the trial.

5. In view of the enormous *prima facie* material placed on record in respect of the petitioner, the allegations leveled against the petitioner, I am of the considered view that looking to the nature and gravity of the accusation in the instant case, the role attributed to the petitioner and the case set up against petitioner in its entirety, the petitioner is not found entitled to be released on bail.

6. On these considerations and in view of the aforesaid discussion, I am of the considered opinion that accused has failed to carve out a strong case for bail in his favour. Bail application therefore, is utterly misconceived under law hence deserves to be dismissed. Dismissed accordingly. The above observations shall not be construed as an expression of opinion on merits of the case.

**(RAJENDRA PRAKASH SONI),J**

3-suraj/-