



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



S.B. Criminal Miscellaneous Bail Application No. 8653/2024

Dinesh Kumar S/o Sh. Moolaram @ Pappuram @ Moolchand,
Aged About 21 Years, R/o 83-RB, Tehsil Raisinghnagar, District
Anupgarh.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Surendra Kumar S/o Sh. Kashiram Nai, R/o 83-RB, Tehsil Raisinghnagar, District Anupgarh.

-----Respondents

For Petitioner(s) : Mr. Hamir Singh Sidhu
For Respondent(s) : Mr. A.R. Choudhary, PP

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

Reportable

24/07/2024

1. This anticipatory bail application has been filed by the petitioner apprehending his arrest in connection with F.I.R. No. 355/2023, Police Station Raisinghnagar, District Anupgarh for the offences under Sections 363, 376 (2) (I) (N), 450 of the IPC and Section 3/4 of POCSO Act.
2. Heard learned counsel for the petitioner, learned Public Prosecutor and perused the material available on record.
3. On perusal of the record and upon consideration of the submissions, it would be clear that in the statement recorded under Section 164 of the Cr.P.C., victim has specifically alleged offence of rape against petitioner. In that view of the matter, if victim had refused to undergo medical examination, her above



statement cannot be negated on this basis alone and it cannot be said that petitioner has been falsely implicated.

4. Having regard to the overall facts and circumstances as available on record and the nature and gravity of allegations levelled against the petitioner, I am not inclined to accept the application for pre-arrest bail filed on behalf of the petitioner.

5. Accordingly, the instant bail application under Section 438 of Cr.P.C./482 of BNSS is rejected as being devoid of merit.

6. Copy of order be emailed to concerned Police Station.

(RAJENDRA PRAKASH SONI),J

125-suraj/-