

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 514/2026

Hemant S/o Shri Radheshyam, Aged About 24 Years, Resident Of
Village Khedi Aryanagar Ps Chhoti Sadari District Pratapgarh Raj
(Presently Lodged In District Jail Pratapgarh)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Rakesh S/o Mohanlal, R/o Gagrol Chhotisadri District
Pratapgarh Raj.

-----Respondents

For Petitioner(s) : Mr. SS Rathore

For Respondent(s) : Mr. Hanuman Prajapat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

26/02/2026

1. This application for bail has been filed by the petitioner under
Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite
details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	312/2025
2.	Date of lodging FIR	17.11.2025
3.	Concerned Police Station	Chhotisadri
4.	District	Pratapgarh
5.	Offences alleged in the FIR	Section 37(2) of the BNS.
6.	Offences added, if any	Section 64(1) of BNS and 3(a)/4 of POCSO Act.

2. Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in the case and false allegations have
been levelled against him. The victim was aged about 17 years 2

months at the time of incident and the petitioner was aged about 24 years. The petitioner has not been named in the FIR but he was arrested merely on apprehension. In the statements recorded under Sections 180 and 183 of BNSS, the prosecutrix has levelled allegation of committing rape, however, the victim in her statement recorded as PW-1, has turned hostile and specifically denied to identify the present petitioner and also denied occurrence of any incident as stated in the FIR. The petitioner is in judicial custody since 25.11.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application.

4. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the material available on record.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also considering the statement of the victim recorded during trial as PW-1 and that the petitioner is in judicial custody since 25.11.2025; in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Hemant S/o Shri Radheshyam**, shall be released on bail in connection with the

aforesaid FIR; provided he executes personal bond in the 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.

7. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J

13-ajayS/-