

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

S.B. Criminal Miscellaneous Bail Application No. 269/2026

Padma Ram Alias Thakari S/o Khema Ram, Aged About 38 Years,
R/o Sindhasawa Chouhan, P.s. Gudamalani, District Barmer.
(Presently Lodged At District Jail Barmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Siddharth Karwasara
For Respondent(s)	:	Mr. Lalit Kishore Sen, PP
For Complainant(s)	:	Mr. Vijay Raj Bishnoi.

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

Conclusion of Arguments &

Reserved on : **05/02/2026**

Pronounced on : **10/02/2026**

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.) in connection with FIR No. 209/2025 dated 01.11.2025, Police Station Gudamalani, District Barmer, for the offences under Sections 70(1) of BNS-2023 and Section 67 of the Information Technology Act, 2000. After filing challan, offences under Sections 64(1), 308(2), 77 & 72(1) of BNS and Section 67A of the Information Technology Act have been added.

2. Learned counsel of the petitioner submitted that on 18.09.2025, at 2 P.M., prosecutrix, 'M', was going towards the field when co-accused, Purkha Ram pulled her into the hedges and committed sexual assault upon her. At the same time, the

petitioner Padmaram, who was also present at the place of occurrence, recorded a video of the alleged sexual assault over his phone. The prosecutrix informed about the alleged incident to her family members. Later on, the present petitioner allegedly disseminated the video over some Whatsapp group.

2.1 It is submitted that in her statements recorded under Sections 180 and 183 of BNSS-2023, the prosecutrix has not alleged the offence of extortion upon the present petitioner. Apart from that, the rest of the offences alleged against the present petitioner are bailable and are not punishable beyond 03 years of imprisonment. There are no criminal antecedents against the present petitioner and no recovery is left to be made from him. The petitioner is languishing behind the bars since 01.12.2025. Therefore, looking at the overall circumstances of the case, he deserves to be enlarged on bail.

3. Per contra, learned Public Prosecutor so also learned counsel appearing on behalf of the complainant vehemently opposed this bail application and submitted that prosecutrix is an aged lady. The offences under which the charge-sheet has been filed against the petitioner are triable by Sessions Court. Therefore, looking at the severity of the case, he should not be enlarged on bail.

4. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also considering the statements of the prosecutrix recorded under Sections 180 & 183 of BNSS, wherein the allegation against the present petitioner is neither of extortion nor committing any sexual assault on her. The issue as to whether the petitioner

recorded some obscene material in his mobile and subsequently released it on social platform is an issue to be decided in the trial after leading evidence. This Court, without expressing any opinion on merits/demerits of the case, is of the opinion that the bail application filed by the petitioner deserves to be accepted.

5. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Padma Ram @ Thakari S/o Khema Ram** 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.

6. 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

Rmathur/-