

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

S.B. Criminal Miscellaneous Bail Application No. 401/2026  
CNR: RJHC010027372026  
URN: CRLMB / 1009U / 2026

Kasam Khan S/o Kamar Khan, Aged About 52 Years, Beema Jhirka Firozpur, District Nooh Haryana, Presently Ishakabad Badol Road, Nimbahera, Police Station Kotwali Nimbahera, District Chittorgarh, Rajasthan (At Present Lodged At District Jail Chittorgarh)

----Petitioner

Versus

- 1. State of Rajasthan, Through PP
- 2. Smt Sanno W/o Shri Ishak Khan, R/o Kachhi Basti, Nimbahera, Thana Kotwali Nimbahera, Tehsil Nimbahera, District Chittorgarh.

----Respondents

|                   |   |                                                         |
|-------------------|---|---------------------------------------------------------|
| For Petitioner(s) | : | Mr. Shreekant Verma                                     |
| For Respondent(s) | : | Mr. Urja Ram Kalbi, PP<br>Mr. Ravindra Singh Bhati, AGA |

**HON'BLE MR. JUSTICE SUNIL BENIWAL**

**Order**

**17/07/2026**

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                  | 340/2025                                                                         |
| 2.    | Date of lodging FIR         | 26.07.2025                                                                       |
| 3.    | Concerned Police Station    | Kotwali Nimbahera                                                                |
| 4.    | District                    | Chittorgarh                                                                      |
| 5.    | Offences alleged in the FIR | Sections 137(2), 351(2)(3) and 64(1) of BNS, 2023 and Section 3 / 4 of POCSO Act |
| 6.    | Offences added, if any      | -                                                                                |

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Referring to the statement of the victim (PW-9) as well as that of her mother (PW-8), he submits that there was a monetary dispute between the petitioner and the victim's mother, and that the present FIR has been lodged with the intention of avoiding payment of the amount allegedly due, which the petitioner had been demanding from the victim's mother. He further submits that, in fact, no offence as alleged in the FIR was committed by the petitioner. The petitioner is in judicial custody since 28.08.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Per contra, learned Public Prosecutor vehemently opposes the bail application and submits that the victim was aged about 16 years and 8 months at the time of the incident. The victim has consistently stated that the offence of sexual assault was committed by the petitioner. He further submits that, out of 15 prosecution witnesses, 9 have already been examined. He also submits that the petitioner has as many as 12 criminal antecedents. On the basis of the aforesaid submissions, he submits that the petitioner is not entitled to be enlarged on bail.

4. Heard learned counsel for the parties and perused the charge-sheet.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the charge-sheet so also considering the statement of victim (PW-9) and her mother (PW-8); out of 15 witnesses, 9 have already been examined and

also considering the fact that petitioner is having criminal antecedents, without further commenting on merits of the case, this Court is not inclined to grant bail to petitioner.

6. Accordingly, the present bail application is dismissed.

**(SUNIL BENIWAL),J**