

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1320/2026

Ashok S/o Shri Nanalal, Aged About 35 Years, Sewakadi, Post
Modi, Police Station Gogunda, Dist. Udaipur Currently R/o
Rented At Badi Dhundhai, P.s. Mount Abu, Dist. Sirohi, Raj.
(Lodged In Central Jail, Udaipur)

-----Petitioner

Versus

1.

State Of Rajasthan, Through Pp
2.

Gopal Bairwa S/o Shri Bhagwanlal Bairwa, Badi Phalasiya,
Ps Bhupalsagar, Dist. Chittorgarh

-----Respondents

For Petitioner(s)

:

Mr. Ojas Shakdwipeeya

For Respondent(s)

:

Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL
Order

Conclusion of Arguments &

Reserved on : **25/02/2026**

Pronounced on : **27/02/2026**

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	52/2025
2.	Date of lodging FIR	10.05.2025
3.	Concerned Police Station	Mavli
4.	District	Udaipur
5.	Offences alleged in the FIR	Under Section 137(2) of BNS, 2023
6.	Offences added, if any	Section 142, 61(2)(a) of BNS, 2023 and Sections 16 & 17 of the POCSO Act, 2012 and Sections 3(2)(v) & (va) of the SC/ST (Prevention of Atrocities) Act.

2. Learned counsel for the petitioner submitted that the petitioner has been made accused with an allegation that he had aided co-accused Dilip Das in committing crime in question. He submitted that the victim in her statements recorded under Sections 180 & 183 of the BNSS and before the court, has not levelled any allegation of penetrative sexual assault on the present petitioner. The petitioner is in judicial custody since 06.01.2026.

Based on the above submissions, learned counsel for the petitioner submitted that the petitioner deserves to be enlarged on bail.

3. Per contra, learned Public Prosecutor vehemently opposed this bail application. However, he is not in a position to refute the fact that there is no allegation of penetrative sexual assault on the present petitioner.

4. Having considered the rival submissions, facts and circumstances of this case and considering the fact that the victim in her statements recorded under Sections 180 & 183 of the BNSS so also before the Court has not levelled allegation of any penetrative sexual assault upon the present petitioner, 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- **Ashok S/o Nanalal** 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 her 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/-