

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

S.B. Criminal Miscellaneous Bail Application No. 1897/2026

Samim Khan Alias Sameer S/o Lt. Liyakat Ali, Aged About 22
Years, Sahon Ki Gali Udaimandir Police Station Nagori Gate
Jodhpur East (At Present Lodged In Central Jail Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Gautam Dhara
For Respondent(s)	:	Mr. Prem Singh Panwar, PP

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

11/02/2026

1. The present bail application has been filed by the accused-applicant under Section 483 of the B.N.S.S, 2023 against the order dated 17.11.2024 passed by learned Sessions Judge, Women Atrocities, Jodhpur Metro in connection with FIR No.30/2024, registered at Police Station Nagori Gate, District Jodhpur for the offences punishable under Sections 363, 366, 376 of IPC, by which the bail application of the accused-applicant under Section 483 of the B.N.S.S, 2023 has been dismissed.
2. Learned counsel for the accused-applicant submits that the accused-applicant has falsely been implicated in this matter. Learned counsel argues that in the FIR, the age of the prosecutrix was mentioned as 17 years. However, during the investigation, it was found that the prosecutrix was approximately 20 years of age. Consequently, upon investigation, a charge-sheet was filed against the accused-applicant for offences punishable under Sections 363,

366, and 376(2)(N) of the IPC, and the trial is currently ongoing before the trial court. It is further submitted that, as per the statement recorded under Section 161 Cr.PC, the prosecutrix admitted that she went with the accused-applicant at her own free will and had a sexual relationship with him. Learned counsel further submits that, in the statement recorded under Section 164 Cr.PC, the prosecutrix admitted to, having a relationship with the accused-applicant; therefore, this matter concerns a consensual relationship. Learned counsel also argues that the accused-applicant was arrested on 06.03.2024 and since then, he is behind the bars. Learned counsel further contends that the prosecutrix has not appeared before the trial court for recording her statement and is intentionally delaying her examination. It is also submitted that the prosecutrix is being called through arrest warrant. Learned counsel prays that trial will take long time to conclude, therefore, the accused-applicant be enlarged on bail.

3. On the other hand, learned Public Prosecutor opposes the bail application and submits that the allegations against the accused-applicant are serious in nature, and therefore, he may not be granted the benefit of bail.

4. Heard learned counsel for the parties and also perused the material available on record.

5. Having regard to the facts and circumstances of the case and considering the facts that the accused-applicant is behind the bars since 06.03.2024; that the charge-sheet has been filed and trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow the bail application filed by the accused-applicant.

6. Consequently, this bail application filed under Section 483 of the B.N.S.S, 2023 is allowed. It is ordered that accused-applicant **Samim Khan Alias Sameer S/o Lt. Liyakat Ali** arrested in FIR No.30/2024, registered at Police Station Nagori Gate, District Jodhpur shall be released on bail; provided he furnishes personal bond in the sum of Rs.**50,000/-** and two solvent sureties of Rs.**25,000/-** each to the satisfaction of the learned trial Court.

7. The Accused-Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J