

RAJASTHAN HIGH COURT



सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1885/2026

Bada Alias Naresh S/o Hadiya, Aged About 29 Years, Resident Of  
Kalakhet Police Station Kushalgarh District Banswara Rajasthan  
(At Present Lodged In Dist. Jail Banswara)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Lalu Rawat S/o Teihing Rawat, Resident Of Baghatpura  
Kushalgarh Banswara Rajasthan

-----Respondents

For Petitioner(s) : Mr. Kuldeep Sharma

For Respondent(s) : Mr. NS Chundawat, 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                  | 162/2024                                                                             |
| 2.    | Date of lodging FIR         | 11.06.2024                                                                           |
| 3.    | Concerned Police Station    | Kushalgarh                                                                           |
| 4.    | District                    | Banswara                                                                             |
| 5.    | Offences alleged in the FIR | Section 363 of the IPC,<br>1860 and Section 84 of the<br>JJ Act                      |
| 6.    | Offences added, if any      | Section 366, 344, 376(2)(n)<br>of IPC and Section 5(I)/6,<br>5(J)(ii)/6 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 FIR was lodged on 11.06.2024 for the incident alleged to have occurred on 05.03.2024. The victim was aged about 17 years 4 months at the time of incident. In the statements recorded under Section 180 and 183 of BNSS, the victim has made allegation of commission of sexual assault against the petitioner, however, before the Court the victim was examined as PW-1 and has specifically denied committing of penetrative sexual assault against the present petitioner. In the trial, the victim was declared hostile. She claimed herself to be of 21 years of age and stated that no sexual assault was committed upon her. The petitioner is in judicial custody since 26.06.2025 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 and submits that the victim was minor at the time of the incident, therefore, petitioner should not be enlarged on bail.

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 the statements of victim recorded under Section 180 & 183 of BNSS; her witness testimony as PW-1 wherein she has specifically denied commission of penetrative sexual assault by the present petitioner so also the fact that she has turned hostile; and there was delay in lodging of FIR, 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- **Bada Alias Naresh S/o Hadiya** 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**