



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

सत्यमेव जयते

S.B. Criminal Miscellaneous 1st Bail Application No. 2114/2026

CNR: RJHC010150632026

URN: CRLMB / 4849U / 2026

Shiv Gandhi S/o SH. Mohan Lal Meghwal, Aged About 20 Years,
R/o Silanwad P/S Nimbi Thana, District Deedwana Kuchaman,
Rajasthan (Presently Lodged In Central Jail, Bikaner)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Kaushal Gautam
For Respondent(s)	:	Mr. Narendra Gehlot, PP assisted by Mr. Omprakash Choudhary Mr. Rishabh Handa

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

13/07/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Shiv Gandhi S/o SH. Mohan Lal Meghwal** seeking bail in respect of a criminal case registered as FIR No.270/2025 dated 18.07.2025 registered at P.S. Sadar Bikaner, District - Bikaner, for the offence under Section 137(2) of BNS.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the



applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for the applicant submits that the father of prosecutrix has lodged a report on 18.07.2025 about elopement of his daughter from 16.07.2025 and this report was registered under Section 137(2) of BNS. He further submitted that the victim was recovered on 05.08.2025 but till the time she remained in company of present petitioner but she has not made any hue and cry to anyone. He also submitted that victim has refused to handover any of the cloth wore at the time of alleged incidents. He also submitted that as per report submitted by father of victim the date of birth of victim was 17.04.2008 and on date of elopement her age was around 18 years. He also submitted that during investigation the victim was medically examined and as per ossification report her age was estimated as 17 years. He further referred documents in form of school certificate issued on 17.03.2026 and submitted that the date of birth of victim is claimed as 13.09.2010 but no document is filed on record in support and this certificate is forged. He also referred the statement of victim recorded under Section 183 of BNSS and further as PW-1 before the trial Court and submitted that the victim has made improvement in her statement and her testimony is not trustworthy. He also submitted that the victim herself has called present petitioner and she eloped with petitioner on her own and the petitioner is in custody since his arrest on 27.08.2025 is entitled for bail as he is 20 years old person.



4. Aforesaid contention were opposed by learned Public Prosecutor and learned counsel for the complainant. Learned counsel for the complainant has submitted that the age of victim is 16 years and she has specifically mentioned the allegation of rape against petitioner in her statement under Section 183 of BNSS and also as PW-1.
5. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. On 18.07.2025 the father of victim has lodged FIR No.270/2025 for elopement of his daughter on 16.07.2025 and Police Station Sadar Bikaner has registered FIR No.270/2025 under Section 137(2) of BNS against present petitioner. The victim was recovered on 05.08.2025 and her statement was recorded under Section 183 of BNSS. A charge-sheet is filed against the petitioner after his arrest on 27.08.2025.
7. The statement of victim were recorded as PW-1 before the trial Court and we have considered the statement in particular cross-examination as referred by learned counsel for the petitioner. There is no recovery of any photograph or video from possession of present petitioner. The disclosed date of birth of victim is 17.04.2008 whereas a certificate issued on 17.03.2026 indicate date of birth as 13.09.2010 but same is without support of any document. The trial Court is duty bound to determine the date of birth in accordance with Section 94 of Juvenile Justice (Care and Protection of Children) Act, 2015. The petitioner is in custody but the age



of victim prima facie appears to be around 16 years probably above 16 years.

8. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused.
9. Thus, the instant bail application filed on behalf of applicant-accused **Shiv Gandhi S/o SH. Mohan Lal Meghwal**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-
 - (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
 - (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
 - (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
 - (iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.



10. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J