

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

S.B. Criminal Miscellaneous Bail Application No. 2698/2026

1. Sitaram Godara S/o Mohan Lal Godara, Aged About 37 Years, R/o Gushaisar Bada, P.s. Sri Dungargarh, District Bikaner Raj.
(In Judicial Custody At Central Jail Bikaner)
2. Malaram S/o Sh. Mohanlal, Aged About 24 Years, R/o Gushaisar Bada, P.s. Sri Dungargarh, District Bikaner Raj.
(In Judicial Custody At Central Jail Bikaner)
3. Santosh S/o Sh. Tulsiram Godara, Aged About 24 Years, R/o Gushaisar Bada, P.s. Sri Dungargarh, District Bikaner Raj.
(In Judicial Custody At Central Jail Bikaner)

----Petitioners

Versus

1. State Of Rajasthan, Through P.P
2. Biju Devi W/o Mukhram, R/o Gushaisar Bada, P.S. Sri Dungargarh, District Bikaner Raj.

----Respondents

For Petitioner(s)	:	Mr. Pradeep Choudhary
For Respondent(s)	:	Mr. Hathi Singh Jodha, PP
For Complainant(s)	:	Mr. Hari Shankar Shrimali

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR
Order

26/02/2026

1. The petitioners have filed this bail application under Section 483 of BNSS in FIR No.309/2025 registered at Police Station Sri Dungargarh, District Bikaner for offence under Sections 115(2), 126(2), 351(2), 331(6), 307, 74, 79, 125, 189(2), 61(2)(A) IPC and Section 7/8 of POCSO Act, 2012.
2. Heard learned counsel for the petitioners, learned Public Prosecutor, counsel for the complainant and perused the material available on record.

3. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He further submits that both the parties are residents of the same locality and are neighbours. The dispute arose due to a common wall between the parties. His next contention is that there is no allegation of penetrative sexual assault or any other offence of similar nature. He argued that no specific overt act or any injury is attributed to the present petitioners and that omnibus allegations have been levelled. He further argued that there is no injury on any vital part of the body of the injured. He contended that even if it is assumed that offence under Section 7/8 of the POCSO Act is attracted, then it would at most amount to outraging the modesty of a woman. He vehemently submits that both the parties have arrived at a compromise and have settled the matter amicably. The petitioners have been behind bars since 06.02.2026, and the trial of the case will take considerable time; therefore, no fruitful purpose would be served by keeping the petitioners in further custody, and the bail application of the petitioners may be allowed.

4. Learned counsel for the complainant has acceded to the arguments advanced by learned counsel for the petitioners and submitted that both the parties have arrived at a compromise and has no objection to the bail application if bail is granted to the petitioners. In support of the said contention, he has filed the affidavit of complainant Biju Devi and her husband, stating that both the parties have arrived at a compromise.

5. Learned Public Prosecutor has vehemently opposed the bail application.

6. On consideration of the rival submissions and material available on record and in the light of submission made by learned counsel for the petitioners but without expressing any opinion on merits/demerits of the case, I am inclined to grant benefit of bail to the petitioners.

7. Consequently, the bail application under Section 483 B.N.S.S. is allowed and it is directed that the petitioners **Sitaram Godara S/o Mohan Lal Godara, Malaram S/o Sh. Mohanlal and Santosh S/o Sh. Tulsiram Godara**, be released on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation that they shall appear before that Court on all subsequent dates of hearing till conclusion of the trial.

(PRAMIL KUMAR MATHUR),J