

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3044/2026

Premchandra @ Prem S/o Shri Motilal, Aged About 24 Years,
Kaliwas Fala Dagliya, Police Station Nai, District-Udaipur.
(Presently Lodged At Central Jail, Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Uda @ Udairam S/o Nathu, Peepliya Upla Fala, Police
Station Nai, District Udaipur.

-----Respondents

For Petitioner(s) : Mr. Bharat Shrimali

For Respondent(s) : Mr. N.S. Chundawat, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
(VACATION JUDGE)
Order

18/06/2026

The instant application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed by the petitioner who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	238/2025
2.	Police Station	Nai
3.	District	Udaipur
4.	Offences alleged	Under Section 64(2)(M) read with Section 65(1) of BNS and Sections 4/6, 5(L)/6 and 5(J)(ii)/6 of POCSO Act, 2012

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Learned counsel for the petitioner submits that the FIR was neither registered by the

victim nor by her family members. After delivering the child by the victim, the police registered the present FIR. It is contended that as per the statement of the victim, the petitioner is stated to have committed rape against the victim, but the FSL report does not corroborate this fact and the age of the victim is doubtful. Learned counsel for the petitioner draws attention of this Court towards the conclusion of FSL which reads as under:

“CONCLUSION

On the basis of DNA Analysis (as per above mentioned table and enclosed allelic data) it is concluded that-

1. The source of male DNA profile obtained from exhibit no. 8 (Blood sample of Baby on FTA card) **is not the biological son** of the source of DNA profile obtained from exhibit no. 7 (Blood sample of accused on FTA card).
2. The source of male DNA profile obtained from exhibit no. 8 (Blood sample of Baby on FTA card) **is the biological son** of the source of DNA profile obtained from exhibit no. 6 (Blood sample of victim on FTA card).
3. The alleles of female DNA profile obtained from exhibit no. 6 (Blood sample of victim on FTA card) **are matching** with the female DNA profiles obtained from exhibit no. 4 (Vaginal swab of victim) and 5 (Vaginal smear of victim).”

Learned counsel for the petitioner further submits that the challan has been filed. The petitioner is in judicial custody since 21.12.2025. The investigation/trial will take sufficient long time and it is, therefore, prayed that the petitioner may be enlarged on bail.

Despite service of notice, there is no representation on behalf of the victim.

Per contra, learned Public Prosecutor has vehemently opposed the bail application and submits that the victim is a minor

but he also does not refute the fact that the conclusion of the FSL report is not corroborating the story of the prosecution as well as the statement of the victim.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused the material available on record, the conclusion of the FSL report and the fact that the charge sheet has been filed and the trial of the case will take time to conclude, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 483 of BNSS (439 of Cr.P.C.) is allowed. It is ordered that the accused-petitioner as named in the cause title, arrested in connection with the above mentioned FIR, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(MUKESH RAJPUROHIT), VJ