

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3535/2026

Mahendra Saran S/o Babu Lal, Aged About 30 Years, R/o Mangal Nagar,guda Bishnoiyan,police Station Vivek Vihar,district Jodhpur,rajasthan (Lodged In Central Jail,jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. B.R. Bishnoi
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Vijay Kumar Gaur

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

08/05/2026

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

The petitioner has been arrested in connection with FIR No. 235/2025 registered at Police Station Luni, District Jodhpur City West, for offences punishable under Sections 64(2)(m) and 308(2) of the BNS. The present bail application has been preferred under Section 483 of the BNSS.

Learned counsel for the petitioner submits that, in the present case, the prosecutrix herself has stated that the engagement between the petitioner and the prosecutrix had taken place about three years ago and that thereafter the petitioner visited her residence on several occasions, allegedly had forcible sexual intercourse with her, and also took jewellery on several

occasions. Learned counsel submits that the story, on the face of it, is not believable, inasmuch as the petitioner is alleged to have visited the house and taken jewellery on several occasions without the knowledge of the family members.

It is further submitted that the entire story put forth is absolutely false and that the petitioner and the prosecutrix were married on 04.12.2022. The marriage card has also been taken on record by the Investigating Agency; however, no investigation in that regard has been conducted and only one side of the story has been projected by the prosecution. It is stated that there was a reciprocal marriage between the brothers and sisters of both the families and, since a dispute arose between the sister of the petitioner and the brother of the prosecutrix, the present FIR has been lodged on false allegations. Learned counsel further submits that the investigation qua the petitioner is complete; the petitioner has been in judicial custody since 25.01.2026; and he deserves to be enlarged on bail. It is also submitted that the conclusion of the trial is likely to take a considerable amount of time.

Per contra, learned Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the bail application. Learned counsel for the complainant submits that the allegations are serious in nature and, therefore, the petitioner does not deserve to be enlarged on bail.

This Court has considered the facts and circumstances of the case and has gone through the charge-sheet placed on record. From the statement of the prosecutrix itself, it appears that the

engagement had taken place between the parties. Further, the marriage card is also available on record, and prima facie, the possibility of marriage between the parties cannot be ruled out and, no proper investigation appears to have been conducted by the Investigating Agency in that regard. However, the same is a matter to be considered during the course of trial.

Moreover, she also states of talking to petitioner on the phone regularly and also admit of him visiting her house. However, several incidents have been alleged regarding forceful intercourse and taking gold articles on every occasion. It is alleged that the petitioner visited her house in May 2025 and July 2025 and took the gold articles every time. On 30.09.2025, it is stated that prosecutrix gave him four lacs rupees and also number of jewellery items of his mother and grand-mother as well of herself from the safe and it is stated that she only informed her family members at the time of *Diwali Poojan*. Prima facie, the version narrated by the prosecutrix appears to raise certain doubts at this stage. However, this Court does not wish to comment anything further on merits of the case.

Hence, considering the fact that the investigation from the petitioner is complete and charge-sheet has already been filed in the case, further the petitioner is in judicial custody since 25.01.2026 and the trial is likely to take time and prosecution having not shown any apprehension of the petitioner fleeing from justice if enlarged on bail, and without expressing any opinion on

the merits of the case this Court deems it just and proper to grant bail to the petitioner under Section 483 of the BNSS.

Accordingly, the bail application filed under Section 483 of the BNSS is **allowed**. It is directed that the petitioner—**Mahendra Saran S/o Babu Lal** shall be released on bail in connection with FIR No. 235/2025 registered at Police Station Luni, District Jodhpur City West, if not wanted in any other case, provided that he execute a personal bond in the sum of Rs. 50,000/- along with two sound and solvent sureties of Rs. 25,000/- each, to the satisfaction of the learned trial court, for his appearance before that court on each and every date of hearing and whenever called upon to do so, till completion of the trial.

(BALJINDER SINGH SANDHU),J

16-deep/-