

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

S.B. Criminal Miscellaneous Bail Application No. 4171/2025

Champa Lal S/o Himata Ram, Aged About 27 Years, R/o
Chimoniya Ki Dhani, Kumpaliya, PS Gida, District Balotra,
Rajasthan

(At Present Lodged in District Jail Balotra)

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Vishna Ram S/o Tulasa Ram aged about 53 years, R/o
Maldeta Gida, Balotra, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Pritam Solanki
For Respondent No.1	:	Mr. Hanuman Prajapati, PP
For Respondent No.2	:	None Present

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

14/07/2025

This application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by the petitioner who has been arrested in connection with F.I.R. No.02/2025 registered at Police Station Gida, District Balotra for offences under Sections 137(2), 96, 127(4), 64(2)(m), 64(1) of the BNS and Sections 3/4, 5(L)/6, 5(J) (ii)/6, 11(iv)/12 of POSCO Act.

In pursuance of the order dated 21.05.2025, learned counsel for the petitioner has already filed the amended cause tittle on 26.05.2025 while impleading the complainant as party respondent No.2, the same be taken on record.

Learned Public Prosecutor informed that the service of notice has duly been served upon respondent No.2, despite that, none has appeared on behalf of respondent No.2.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submits that the petitioner and the complainant had consensual relation between them and the same has also been confirmed by the prosecutrix in her statements. Learned counsel further submits that as per the statement of the prosecutrix she stated that she had traveled to various places including Samdari, Sivana, Gandhidham (Gujarat) and that they reside there for almost over one month. Learned counsel has drawn the attention of this Court towards the statements of the prosecutrix recorded at the time of medical examination wherein she stated that she had consensually left her home with the present petitioner. Learned counsel further submits that as per the record, the date of birth of the prosecutrix is 01.08.2007 and that she is 17 years and 6 months old. Learned counsel submits that the petitioner is in judicial custody since 09.02.2025 and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed the bail application and submitted that the prosecutrix is required to be examined by the concerned trial Court, hence, this bail application may be dismissed.

Having considered the rival submissions, facts and circumstances of the case; more specifically the statement made by the prosecutrix before the medical board and considering that the trial of the case will take sufficiently long time, 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 Cr.P.C.) is allowed. It is ordered that the accused-petitioner **Champa Lal S/o Himata Ram**, arrested in connection with F.I.R. No.02/2025 registered at Police Station Gida, District Balotra, 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),J