

RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5113/2026

Suresh S/o Joga, Aged About 26 Years, R/o Guradedmariya, Ps-Kotda, Distt.- Udaipur Raj. At Present Lodged At District Jail Udaipur.

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s) : Mr. Anuj Sahlot
For Respondent(s) : Mr. Sameer Pareek, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL
Order

29/06/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	165/2025
2.	Date of lodging FIR	29.10.2025
3.	Concerned Police Station	Kotra
4.	District	Udaipur
5.	Offences alleged in the FIR	Section 64(1) of the BNS, 2023
6.	Offences added, if any	Section 332(b) of the BNS, 2023

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. It is submitted that the alleged incident is stated to have occurred on 23.10.2025, whereas the FIR came to be lodged after a delay of six days. Such an unexplained delay in lodging the FIR casts a serious doubt on the prosecution case and renders the allegations *prima facie* improbable. Learned counsel further submits that the petitioner is aged about 26 years, whereas the prosecutrix is a married woman aged about 30 years.

It is further submitted that though in her statements recorded under Sections 180 and 183 of the BNSS, the prosecutrix has categorically stated that the alleged acts were not committed forcibly by the present petitioner. However, the petitioner submits that the story narrated by the prosecuterix is not supported either by medical evidence so also the circumstances. It is submitted that the prosecutrix had informed her mother-in-law about the alleged incident on the very same day and her brother-in-law on the following day. Despite such disclosure to her family members, the FIR came to be lodged only after an unexplained delay of six days. Apart from that it is submitted that even the medical report has not supported the version submitted by the prosecuterix as the Medical Jurist, after conducting the medical examination, did not notice any external or internal injuries or any other signs suggestive of forcible sexual intercourse. It is further submitted that even victim's mother-in-law in her statement has not stated that she saw petitioner doing any sexual assault upon the victim.

2.2 The petitioner is in judicial custody since 29.10.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application.

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

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the case charge-sheet so also considering that there is an unexplained delay of six

days in lodging the FIR, despite the fact that the prosecutrix is alleged to have informed her mother-in-law about the incident on the very same day and her brother-in-law on the following day; the medical evidence does not disclose any external or internal injuries or any findings suggestive of forcible sexual intercourse, as alleged by the prosecution, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Suresh S/o Joga** shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J