

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 5676/2026

Hitesh S/o Bheru Lal, Aged About 19 Years, R/o Riched, Police Station Charbhuja, District Rajasamand, Rajasthan. (At Present Lodged In Dist. Jail Rajsmand)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Gaytri Soni Spouse/o Mahendra Soni, R/o Riched, Charbhuja, Distritc Rajsamand, Rajasthan

-----Respondents

For Petitioner(s)

:

Mr. NK Gurjar
Mr. Prakash Banjara

For Respondent(s)

:

Mr. Urja Ram Kalbi, PP
Mr. Vikram Singh Jaitawat for complainant

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

02/07/2026

1. This second 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	162/2025
2.	Date of lodging FIR	27.09.2025
3.	Concerned Police Station	Charbhuja
4.	District	Rajsamand
5.	Offences alleged in the FIR	Section 5/6 of the POCSO Act, Sections 140(4), 137(2) of the BNS and Section 84 of the JJ Act, 2015.
6.	Offences added, if any	

2. First bail application was dismissed as withdrawn vide order dated 02.02.2026 with liberty to file afresh after procuring the FSL Report.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. While referring to the statements of the victim (PW-3), learned counsel submits that he has specifically alleged commission of crime by co-accused, Lokesh, Vishal and Ratan and there is no allegation against the present petitioner of any sexual assault. While referring to the cross-examination, he submits that the victim has specifically deposed that the petitioner has neither committed any sexual assault nor touched him and had neither intoxicated him nor forced him to go to any place. The complainant/mother of victim (PW-4) has also deposed that petitioner did not commit alleged offence. The petitioner is in judicial custody since 29.09.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

4. Learned Public Prosecutor so also learned counsel for the complainant vehemently oppose this bail application.

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

6. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also the statement of victim (PW-3) and his mother (PW-4); the fact that there is no specific allegation against the present petitioner; more so, in the cross-examination, it has been specifically deposed by the victim that there was neither sexual

assault nor the petitioner touched him; and even the complainant has not supported the prosecution story and has not alleged any crime to have been committed by the petitioner, 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.

7. Accordingly, the second bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Hitesh S/o Bheru Lal**, 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.

8. 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