

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5725/2026
CNR: RJHC010433492026 | URN: CRLMB / 12812U / 2026

Anil Ninama S/o Sukhram, Aged About 26 Years, R/o Nalda, P.s. Pipalkhunt, District Pratapgarh, Rajasthan. (Presently Lodged In Jail Banswara)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Deepak Menaria Mr. Raghuveer Singh Bhati
For Respondent(s)	:	Mr. Lalit Kishor Sen, PP Mr. Ravindra Singh Bhati, AGA

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

23/07/2026

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	02/2026
2.	Date of lodging FIR	02.01.2026
3.	Concerned Police Station	Banswara
4.	District	Banswara
5.	Offences alleged in the FIR	Sections 127(3), 137(2), 64(1) and 78(2) of the BNS, 2023
6.	Offences added, if any	Section 67 of the Information Technology Act, 2000

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.

2.1 He further submits that the petitioner is aged about 26 years and the prosecutrix is aged about 20 years. He contends that the relationship between the petitioner and the prosecutrix was consensual and both intended to marry each other. However, as the amount allegedly demanded by the family of the prosecutrix could not be paid by the petitioner, the proposed marriage could not be materialised, whereafter the present FIR came to be lodged. Learned counsel further submits that there is a delay of 189 days in lodging the FIR, which, by itself, casts a serious doubt upon the genuineness of the prosecution case.

2.2 Referring to the deposition of the prosecutrix (PW-2), learned counsel submits that though, in her examination-in-chief, the prosecutrix has levelled allegations of sexual assault against the petitioner, however, in her cross-examination, the prosecutrix admitted that she used to travel with the petitioner in a tempo as the petitioner did not know how to ride a motorcycle. She further admitted that there were marriage negotiations between them, but the marriage could not be solemnised as the petitioner failed to fulfill the monetary demand allegedly raised by her family. Thereafter, allegations regarding circulation of certain photographs were made against the petitioner. However, there is no material available on record to indicate that the said photographs were obscene in nature or the petitioner had circulated the same.

2.3 Learned counsel further submits that the prosecutrix, in her cross-examination, deposed that she stayed with the petitioner for about five days. During the said period, she used to go to a washroom situated outside the room in which she was staying and had access to other neighbouring houses, however, she did not raise any protest or alarm at any point of time. The petitioner is in judicial custody since 23.02.2026 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 challan papers as well as statement of the prosecutrix (PW-2) so also considering the facts that there is a delay in lodging the FIR; as per her own testimony, the prosecutrix stayed with the petitioner for about five days without raising any protest despite the washroom not being attached to the place where she was residing and the premises being situated in a populated locality; and that the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail, 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- **Anil Ninama S/o Sukhram** 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