

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5686/2026

Khemaram S/o Shri Pannaram, Aged About 25 Years, Resident Of Rupana Jetana, Police Station Lohawat, District Phalodi Rajasthan
(At Present Lodged In Central Jail, Jodhpur)

-----Petitioner

Versus

1.

State Of Rajasthan, Through Public Prosecutor
2.

Ranaram S/o Shri Jagroopa Ram, Resident Of Rupana Jetana, Police Station Lohawat, District Phalodi

-----Respondents

For Petitioner(s)

:

Mr. K.L. Vishnoi for Mr. Mr. Pritam Solanki

For Respondent(s)

:

Mr. Pawan Bhati, PP
Mr. Dinesh Singh for respondent No.2

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

08/05/2026

The instant 3rd application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed by the petitioner who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	165/2025
2.	Police Station	Lohawat
3.	District	Phalodi
4.	Offences alleged in the FIR	Under Sections 137(2), 65(1) & 70(2) of BNS and Sections 3 & 4 of the POCSO Act
5.	Offences added, if any	Under Section 126(2), 351(2) & 3(5) of BNS and Sections 7, 8, 5g & 6 of POCSO Act

The 1st bail application filed on behalf of the petitioner i.e. S.B. Criminal Misc. Bail Application No.11878/2025 was dismissed as not pressed by this Court vide order dated 17.11.2025 with a

liberty to the petitioner to file fresh bail application after filing of the charge-sheet. After filing of charge-sheet, 2nd bail application being S.B. Criminal Misc. Bail Application No.547/2026 filed which was also dismissed as not pressed by this Court vide order dated 18.02.2026 with a liberty to the petitioner to file fresh bail application after recording of the statement of the prosecutrix. Since, the statement of prosecutrix has been recorded as PW-1, hence this 3rd bail application.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submitted that the prosecutrix has been examined before the learned trial Court as PW-1. The prosecutrix in her statement has though stated that the petitioner was present in the car along with the co-accused Bhanwaruram and Dalaram, however, she has levelled any allegation against the present petitioner. The allegations have been levelled only on the co-accused Bhanwaruram and Dalaram. The relevant extract of the statement of the prosecutrix (PW-1) is reproduced as under:-

"मुख्य परीक्षण—.....स्कूल से थोड़ा सा आगे गये तो एक स्विफ्ट कार आयी, कार में भंवरुराम, दालाराम, खेमाराम बैठे थे। स्विफ्ट कार आयी तब मैं अकेली ही थी और मेरे साथ दोस्त थी उनका घर पहले होने से वो घर चली गयी। गाडी से भंवरुराम ने उतर कर मेरी कनपट्टी पर पिस्तौल रखी और भंवरुराम और दालाराम ने मुझे जबरदस्ती गाडी में बैठाया, उन्होंने मुझे कहा कि हम जैसा कहते हैं वैसा काम कर नहीं तो हम तेरे परिवार को मार देंगे। गाडी में भंवरुराम और दालाराम ने मेरे कपडे उतार दिये और भंवरुराम ने मेरे गुप्तांगों में उंगली डाली। भंवरुराम और दालाराम ने मेरा गाडी में वीडियो बनाया था. बाद में मैं जोर से चिल्लायी थी तो वे तीनों लोग मुझे वहीं छोडकर भाग गये। फिर मैंने दूर जाकर घटना के बारे में अपनी मम्मी को बताया, तब मेरे पिता ने मुकदमा दर्ज कराया। गवाह को वी.सी से उपस्थित मुलजिम खेमाराम को पीडिता को दिखाये जाने पर पीडिता ने कथन किया कि गाडी में यह व्यक्ति नहीं था। पुलिस रिपोर्ट करवाने के अगले दिन जहां से मुझे गाडी में बैठाया गया था, वहां अभियुक्त भंवरुराम, दालाराम और खेमाराम उसका मौका दिखाया था। पुलिस ने उसकी फर्द बनाकर मेरे हस्ताक्षर भी करवाये थे। अगले दिन पुलिस ने मेरा मेडिकल भी करवाया था। पुलिस ने मेरे बयान भी लिये थे और मजिस्ट्रेट के सामने भी बयान करवाये थे। पुलिस ने मेरे 10वीं कक्षा का प्रमाण पत्र भी लिया

था, जिसका पुलिस ने फोटाकॉपी कर मिलान कर कॉपी अपने पास रखी और मूल मुझे दे दिया था। दसवी का प्रमाण पत्र प्रदर्श पी 2 है।

जिरह द्वारा अधिवक्ता अभियुक्त— यह सही है कि पुलिस ने मेरे जो बयान प्रदर्श डी1 में ए से बी भाग में मैंने पुलिस को यह बता दिया था कि मैं खेमाराम को नहीं जानती हूं जो सही लिखा हुआ है। यह सही है कि पुलिस ने मेरी कभी मुलजिमान से पहचान की कोई कार्यवाही नहीं की। यह भी सही है कि मैंने जिस खेमाराम का अपने बयानों में जिक्र किया है उस खेमाराम की पहचान भी पुलिस ने मुझसे नहीं करवायी। गांव में खेमाराम नाम के कितने आदमी हैं मुझे नहीं पता है। यह कहना सही है कि वी.सी से उपस्थित मुलजिम ने मुझे रास्ते चलते नहीं रोका, ना मुझे जबरदस्ती गाड़ी में डाला, ना ही उसने मेरे संग कोई लैंगिक अपराध किया और ना ही मेरे गुप्तांगों में उंगली डाली।”

Learned counsel for the petitioner further submitted that out total 19 witnesses, only 1 witness has been examined till date. He further submitted that since, the statement of prosecutrix has been recorded, there is no chance of tampering the said witness. Learned counsel further submitted that the petitioner is in custody since 13.09.2025 and the trial of the case will take sufficiently long time to conclude, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor and the learned counsel for the complainant have vehemently opposed the bail application and submitted that looking to the allegation levelled against the petitioner, he may not be enlarged on bail. However, they do not refute the fact that in the statement of prosecutrix recorded before the trial Court as PW-1 no allegation of rape has been levelled against the petitioner.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused the material available on record; considering the statement of prosecutrix recorded before the trial Court as PW-1, where no allegation of rape has been levelled against the petitioner and the fact that petitioner is in custody since 13.09.2025 and out of total 19

witnesses, only one witness has been examined till date and the trial of the case will take significant time to conclude, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the 3rd bail application under Section 483 of BNSS (439 of Cr.P.C.) is allowed. It is ordered that the accused-petitioner as named in the cause title, arrested in connection with the above mentioned FIR, 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