

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 908/2026

CNR: RJHC010492462026 | URN: SOSA / 1952U / 2026

Sidhant Singh Charan @ Rahul S/o Sh Bhadur Singh Charan,
Aged About 35 Years, R/o Village Bari, Police Station Raipur,
District Bhilwara Raj Presently Residing At 7 J 14, Chamdra
Shekhar Azad Nagar, Bhilwara Raj (Presently Lodged In Dist. Jail
Bhilwara)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Chakravarti Singh Rathore. Mr. Bajrang Singh.
For Respondent(s)	:	Mr. Narendra Singh Champawat, PP. Mr. Ramesh Kumar.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/07/2026

Heard learned counsel for the applicant-appellant, learned public prosecutor and learned counsel for the complainant on the application for suspension of sentence.

Drawing the attention of this Court to the FIR, challan papers, impugned judgment, as well as the statements of various witnesses recorded before the competent criminal court, learned counsel for the applicant submitted that as per the prosecution, the prosecutrix [PW-6], a major married woman aged about 36 years, lodged a written report [Ex.P/5] before the Superintendent of Police, Bhilwara. It was alleged that she came into contact with the applicant-appellant, a practicing lawyer at Bhilwara, during her

court visits. Thereafter, they developed friendship. It was further alleged that about five years ago, while she was alone at her residence, the applicant-appellant came to her house and offered her sweets containing an intoxicating substance. After consuming the same, when she fell unconscious, the applicant-appellant allegedly committed sexual assault upon her and also made obscene videos and photographs of her. On regaining consciousness, when the prosecutrix sought an explanation from the applicant-appellant regarding his conduct, he allegedly threatened her that he would make her obscene videos and photographs viral on social media platforms.

As per the prosecution, the applicant-appellant thereafter continued to commit sexual assault upon her and also made a false promise to marry her.

Learned counsel submitted that the material available on record, including the statement of the prosecutrix, clearly indicates that the prosecutrix, being a mature woman, entered into a physical relationship with the applicant out of her own free will and volition. The allegation of forcible sexual assault and of repeatedly committing the same on the false pretext of marriage is absolutely false.

The fact that the continued physical relationship between the petitioner and the prosecutrix clearly indicates that she voluntarily entered into the relationship with the applicant and continued the same.

Learned counsel also submitted that no obscene videos or photographs have been recovered from the applicant-appellant,

which is indicative of the fact that he has been roped into a false case in the absence of any supporting evidence on record.

Learned counsel further submitted that the petitioner is in custody and that the evidence with regard to forcible sexual assault is *prima facie* doubtful.

Learned counsel further submitted that, apart from the aforesaid aspects, the appeal raises several substantial, arguable, and debatable questions requiring detailed consideration at the time of final hearing. However, having regard to the heavy pendency of criminal appeals before this Court, the present appeal is not likely to be heard in the near future. It was also submitted that the appellant has no criminal antecedents and that there is no likelihood of his absconding or fleeing from justice in the event the substantive sentence awarded by the learned trial Court is suspended.

On these grounds, learned counsel prayed that the application seeking suspension of sentence be allowed.

Per contra, the learned Public Prosecutor as well as the learned counsel appearing for the complainant vehemently opposed the application. Learned counsel for the complainant submitted that a bare perusal of the impugned judgment would demonstrate that the prosecution has adduced cogent, reliable, and convincing evidence establishing the involvement of the appellant in the commission of the alleged offence. It was further submitted that the judgment of conviction recorded by the learned trial Court is based upon proper appreciation of the oral and documentary evidence available on record and, therefore, no case for suspension of sentence is made out. However, upon a specific

query by the Court, neither the learned Public Prosecutor nor the learned counsel for the complainant was in a position to point out any material indicating that the appellant is likely to abscond or flee from justice in the event the substantive sentence awarded to him is suspended during the pendency of the appeal.

Upon consideration of the submissions advanced on behalf of the parties and having regard to the facts and circumstances of the case as borne out from the record, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-appellant during the pendency of the present appeal..

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge (Women Atrocities Cases), Bhilwara vide judgment dated 12.05.2025 in Session Case No.43/2025 against the appellant-applicant **Sidhant Singh Charan @ Rahul S/o Sh Bhadur Singh Charan**, shall remain suspended till the final disposal of the present appeal and he shall be released on bail, provided he executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on **01.09.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.

3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused applicant(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(KULDEEP MATHUR),J