

RAJASTHAN HIGH COURT

सत्यमेव जयते

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 7141/2026
CNR: RJHC010544992026 | URN: CRLMB / 15778U / 2026

Kanhaiyalal S/o Dhannalal, Aged About 22 Years, R/o Nahargarh,
P.s. Parsola, District Chittorgarh Rajasthan. (Presently Lodged In
Dist. Jail Dist. Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Vijay Kumar Gaur
For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

04/08/2026

- Learned Public Prosecutor submits that notice issued to complainant is duly served.
- Service report dated 19.07.2026 is taken on record.
- 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	046/2026
2.	Date of lodging FIR	28.02.2026
3.	Concerned Police Station	Parsoli
4.	District	Chittorgarh
5.	Offences alleged in the FIR	Sections 64(1) of BNS, 2023 and Sections 3 and 4 of POCSO Act
6.	Offences added, if any	-

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. He submits that petitioner is aged about 22 years and the victim is also major and relation between them was consensual.

4.1. While referring to the statement of the victim (PW-2), learned counsel for the petitioner submits that there is a contradiction with regard to her age. He further submits that FIR was lodged on 28.02.2026 for the alleged incident which is stated to have occurred 15.01.2026. There is a delay in lodging of FIR which itself makes the story of prosecution highly doubtful. The petitioner is in judicial custody since 03.03.2026 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

5. Learned Public Prosecutor vehemently opposes this bail application and submits that victim is a minor which is established from the school records. He also submits that victim, in her statement, categorically alleged commission of forceful sexual assault by the present petitioner. The age of the petitioner is 22 years and the age of the victim is 17 years. Therefore, the petitioner is not entitled to be enlarged on bail.

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

7. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also considering the fact that the age of the petitioner is 22 years and the age of the victim is 17 years and that the FIR was

lodged after the victim reported some stomach ache and later on report revealed that she was pregnant, without expressing any opinion on merits/demerits of the case, this Court is not inclined to enlarge the petitioner on bail at this stage.

8. Accordingly, the bail application filed under Section 483 of BNSS is dismissed.

(SUNIL BENIWAL),J

15/Abhishek kushwaha