

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 7143/2026
CNR: RJHC010545722026 | URN: CRLMB / 15785U / 2026

1. Happy S/o Shri Aatma Singh, Aged About 19 Years, Resident Of Manewall, Ward No.2. Tehsil Suratgarh, District Sri Ganganagar. , Presently Residing At Kartarpura Colony, Hanumangarh, Town Tehsil And District Hanumangarh. (Presently Lodged In Dist. Jail Hanumangarh)
2. Rahul S/o Shri Jaleshwar Das, Aged About 24 Years, Resident Of Ward No. 15, Hanumangarh Town, Hanumangarh Junction, Presently Residing As A Tenant At Behind Fci Godown, Meera Colony, Hanumangarh Town, Tehsil And District Hanumangarh. (Presently Lodged In District Jail, Hanumangarh)

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Smt. Asiya Bano W/o Shri Babalu Khan, Resident Of Kartarpura Colony, Ward No.2, 10 Hmh, Hanumangarh Town, Hanumangarh.

----Respondents

For Petitioner(s)	:	Mr. R.C. Joshi
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Omprakash Choudhary Mr. Dhruv Chandora, for complainant.

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/07/2026

1. The present bail application under Section 483 of BNSS is filed by the applicants-accused **(1) Happy S/o Shri Aatma Singh & (2) Rahul S/o Shri Jaleshwar Das**, seeking bail in respect of a criminal case registered as FIR No.93/2026

dated 16.05.2026 registered at P.S. Mahila Thana (Hanumangarh), District - Hanumangarh, for the offence under Sections 74, 137(2) & 87 of BNS, 2023 and Sections 7 & 8 of POCSO Act.

2. During the course of arguments, learned counsel for the petitioners offers to withdraw the bail application of **Happy S/o Shri Atma Singh** with liberty to file a fresh bail application after recording the statement of victim.
3. Hence, the instant bail application of **Happy S/o Shri Atma Singh** is hereby dismissed as withdrawn with liberty as aforesaid.
4. The Trial Court is directed to record the statement of victim on priority basis preferably within a period of 30 days, as mandated under the POCSO Act.
5. Learned counsel for the applicant submits that the applicant Rahul has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with trial, which will take time.
6. Learned counsel for the applicant submits that for incident of 11.05.2026, the report is registered on 16.05.2026 and there is no explanation of delay. He further submitted that initially the FIR is registered under Sections 7/8 of POCSO Act but later the Police has filed a charge-sheet under Section 3/4 read with Section 18 of POCSO Act with Section

7/8 of POCSO Act. He also submitted that there is no direct allegation upon applicant Rahul and he is in custody since 16.05.2026. He also submitted that there is no criminal antecedent against the applicant.

7. Aforesaid contentions were opposed by learned Public Prosecutor and counsel for the complainant. Learned counsel for the complainant submitted that the age of victim is less than 16 years as her date of birth is 04.11.2010. He further submitted that the family of the applicants have threatened the family of complainant and victim.
8. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
9. On basis of a report dated 16.05.2026 about incident of sexual assault on 11.05.2026, a complaint has been registered by the mother of victim as an FIR No.93/2026 at Police Station Mahila Thana, District Hanumangarh. During investigation, Police has recorded statement of victim under Section 183 BNSS and we have considered the statement recorded under Section 183 BNSS. After investigation Police has filed charge-sheet against present applicant and accused happy. Present applicant is in custody since 16.05.2026 and there is no criminal antecedent against the applicant.
10. As per FIR the date of birth of victim is 04.01.2010 and same has been reiterated by complainant and other witnesses in their statement under Section 180 of BNSS. The prosecution has submitted school documents to show that the date of birth of victim is 04.11.2010. The issue requires

clarification and consideration on the basis of provision under Section 94 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

11. The main allegation of attempt or sexual assault is upon Happy and the allegation upon the present applicant is to render assistance to co-accused Happy in commission of crime.
12. Upon hearing the arguments and perusing the record, we have found that the applicant-accused Rahul is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused.
13. Thus, the instant bail application filed on behalf of applicant-accused **Rahul S/o Shri Jaleshwar Das**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-
 - (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
 - (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.

(iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.

(iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

14. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J