

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

S.B. Criminal Miscellaneous Bail Application No. 7508/2026
CNR: RJHC010566202026 | URN: CRLMB / 16508U / 2026

Mukesh S/o Galia Maida, Aged About 26 Years, R/o Surjabalda,
P.S. Bajna, District Ratlam (Madhya Pradesh.) (Presently Lodged
In Dist-Jail District Chittorgarh.)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

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

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

04/08/2026

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	182/2025
2.	Date of lodging FIR	27.06.2025
3.	Concerned Police Station	Badisadri
4.	District	Chittorgarh
5.	Offences alleged in the FIR	Section 137(2) BNS
6.	Offences added, if any	Sections 64(2)(m), 64(2)(i) and 65(2) of BNS and Sections 5(m)(l)/6

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. He submits that in the statements

recorded under Sections 180 and 183 of the BNSS, 2023, as well as in the statement before the Court, the allegation of forceful sexual assault has been levelled by the victim. However, subsequently, a compromise has been arrived at between the victim and the petitioner.

2.1 Learned counsel for the petitioner further submits that during the cross-examination of the victim, she deposed that the present FIR was lodged on account of differences within the community.

2.2 The petitioner is in judicial custody since 03.11.2025 and the trial will take sufficiently long time, therefore, the petitioner deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application and submits that the petitioner was about 25 years of age and the victim was about 12 years of age at the time of the alleged incident. He further submits that the victim has firmly deposed in her statements recorded under Sections 180 and 183 of the BNSS, 2023, that the petitioner committed sexual assault upon her and the said allegation is corroborated by the DNA report.

3.1 Learned Public Prosecutor further submits that, considering the gravity and heinousness of the offence as well as the fact that the victim was a minor at the relevant point of time, the subsequent compromise between the parties cannot constitute a valid ground for enlarging the petitioner on bail.

3.2 Learned counsel for the complainant submits that the FIR was lodged on account of a misunderstanding and the matter has

now been amicably settled. Therefore, he has no objection if the petitioner may be enlarged on bail.

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 charge-sheet so also considering the statements of the victim recorded under Sections 180 and 183 of the BNSS so also the court statement wherein the victim has categorically stated that the petitioner committed forceful sexual assault upon her, which is also corroborated by the DNA report; further taking into consideration the fact that the petitioner was about 25 years of age while the victim was about 12 years of age at the time of the alleged incident, this Court is of the considered view that no case for grant of bail is made out at this stage. Thus, without expressing any opinion on the merits or demerits of the case, this Court is not inclined to enlarge the petitioner on bail.

5. Accordingly, the present bail application is **dismissed**.

(SUNIL BENIWAL),J