

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

S.B. Criminal Miscellaneous Bail Application No. 8444/2026

CNR: RJHC010605552026

URN: CRLMB / 18333U / 2026

Vinod S/o Bhagirath, Aged About 25 Years, R/o Mehrana, Tehsil Bhadra, District- Hanumangarh, Rajasthan (Presently Lodged At District Jail, Hanumangarh)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Smt. Sunita W/o Bhalaram, Aged About 46 Years, R/o Kanganpur, Police Station Sirsa City, Presently on rebt C/o Jagdish Togasiya, Ward No.37 Bhadra, Tehsil Bhadra District- Hanumangarh Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Shankar Dayal
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary Mr. Insafudin Siddique & Mr. Mohammad Arif for complainant

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

14/07/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Vinod S/o Bhagirath** seeking bail in respect of a criminal case registered as FIR No.175/2026 dated 06.05.2026 registered at Police Station Bhadra, District Hanumangarh, for the offence under Sections 64(1), 137(2), 127(4), 115(2) & 351(2) of BNS, 2023 and under Section 3/4(2) of POCSO Act, 2012(Amended 2019).

2. Learned counsel for the applicant submits that the applicant 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 investigation/trial, which will take time.
3. Learned counsel for the applicant submits that the parents of victim has published an information in the newspaper about severance of relationship with victim and same clearly indicate that at the time of severance of relationship with victim the age of victim was more than 18 years. He also submitted that all of sudden a report has been lodged on 06.05.2026 by mother of victim claiming that the date of birth of victim is 04.07.2011 which is incorrect. He also submitted that the correct date of birth of victim is 02.07.2004 and she is more than 21 years of age. He also submitted that the victim in her adulthood has left her home on her own and she voluntarily resided with present applicant-accused for a period of 2-3 years and due to non-fulfillment of her demand she left and demanded money and in absence of delivery of money she has lodged the report. He also submitted that present applicant-accused was arrested on 09.05.2026 and since then he is in custody.
4. Aforesaid contentions were opposed by learned Public Prosecutor and learned counsel for complainant and they submitted that the age of victim is less 16 years.

5. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. On basis of report dated 06.05.2026 lodged by mother of victim FIR No. 175/2026 was registered at Police Station Bhadra, District Hanumangarh against Vinod and Ram Pyari (mother of applicant-accused). During investigation the statement of victim were recorded under Section 180 and 183 of BNSS. The police has arrested present applicant-accused on 09.05.2026 and filed a charge-sheet against the applicant-accused on for offence under Section 137(2), 87, 65(1), 127(4), 115(2), 351(2), 64(2)(m) of BNS and Section 3/4(2), 5(H)/6, 5(J)(ii)/6, 5(I)/6 of POCSO Act.
7. The material on record indicate that the prosecution has claimed the date of birth of victim as 04.07.2011 as the prosecution has placed reliance upon documents received from Holy Mission International School, Bhadra. The applicant-accused has claimed that the date of birth of victim is 02.07.2004 and same is based upon entry in the Aadhar Card.
8. A date of birth of any person can be determined under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The estimated age can be assessed as per procedure prescribed under Section 94 of the Act, which has further been considered by Hon'ble Supreme Court in case of ***P. Yuvaprakash vs. State Rep. By Inspector Of Police 2023 INSC 626***. A trial Court is duty-bound to

determine date of birth only in accordance with Section 94 of the JJ Act, while relying upon the documents as provided therein but at the same time the trial Court has to consider judgment in case of ***Sanjeev Kumar Gupta vs. State of UP (2019) 9 SCR 735*** wherein an attempt made by a CCL (juvenile) to declare himself juvenile on the basis of a secondary school certificate and same was negated while first admission record relating to school was relied upon to determine date of birth of a child. The trial Court is under an obligation to consider the law in this regard and determine the correct date of birth of a victim, if any dispute is made about the date of birth of victim. At no point of time any fabrication or forgery be promoted by any either by police or by the prosecution.

9. The record indicate that on 22.11.2023 an information about severance of relationship has been published by parents of victim but the intimation does not indicate that what is the age of victim. The severance of relation does not mean that the victim cannot return to her parents home. After return of the victim to her parents an FIR is lodged by mother of victim. The correctness, truthfulness and veracity of the facts as mentioned in the report or the prosecution story can only be tested when trial is conducted by the trial Court therefore, at this stage considering the date of birth as claimed by the prosecution, the age of victim is less than 16 years. Thus, the statement of victim recorded under Section 183 of BNSS has got some relevance and applicant-accused has no case to plead for bail at this stage.

10. Considering the aforementioned principles I am of considered view that the applicant-accused is not entitled to be released on bail as discussed by us.
11. Accordingly, the application for bail filed under Section 483 of BNSS preferred by **Vinod S/o Bhagirath** is hereby dismissed.

(ASHOK KUMAR JAIN),J