

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

S.B. Criminal Appeal (Sb) No. 1130/2026

CNR: RJHC010608992026

URN: CRLAS / 2586U / 2026

Badal Soni S/o Kailash Chandra Soni, Aged About 36 Years, R/o Near Railway Station, Nimbahera, Police Station Kotwali Nimbahera Presently R/o Kishan Lal Mali House, Braj Kot Mataji Wali Gali Malikheda, Manakya Nagar, Police Station Bhimganj, District Bhilwara (Rajasthan) (Presently Lodged At District Jail, Chittorgarh)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. The Prosecutrix W/o Ishwar Lal Bhambhi, Aged About 32 Years, R/o Lordi Police Station Bijaynagar, District Ajmer, Presently R/o On Rent At Kalu Soni Shop/ House, Nikumbh Chauraha Police Station Nikumbh District Chittorgarh (Rajasthan)

----Respondents

---

|                   |   |                                                                 |
|-------------------|---|-----------------------------------------------------------------|
| For Appellant(s)  | : | Mr. Surendra Singh Shaktawat                                    |
| For Respondent(s) | : | Mr. Lalit Kishor Sen, PP<br>Mr. Vipul Dharnia (for complainant) |

---

**HON'BLE MR. JUSTICE SUNIL BENIWAL**

**Order**

**21/07/2026**

1. Learned Public Prosecutor submits that service upon respondent No.2 is effected.
2. Service report dated 07.07.2026 is taken on record.
3. The jurisdiction of this Court has been invoked by way of filing an appeal under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, 1989, at the instance of accused-appellant. The requisite details of the matter are tabulated herein below:

| S.No. | Particulars of the Case           |                                                 |
|-------|-----------------------------------|-------------------------------------------------|
| 1.    | FIR Number                        | 054/2026                                        |
| 2.    | Concerned Police Station          | Nikumbh                                         |
| 3.    | District                          | Chittorgarh                                     |
| 4.    | Offences alleged in the FIR       | Sections 64(2)(m), 331(3), 3(2)(v) and 3(2)(va) |
| 5.    | Offences added, if any            |                                                 |
| 6.    | Date of passing of impugned order | 19.06.2026                                      |

4. Learned counsel for the appellant submits that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-appellant and he has been made an accused based on conjectures and surmises.
- 4.1 He further submits that the FIR was lodged on 29.04.2026 while alleging that the incident occurred almost six months back. He submits that the age of the appellant is 36 years and the age of the prosecutrix is 32 years and she is a married lady. As a matter of fact relation between the appellant and prosecutrix were consensual however, the present FIR was lodged when the relationship between the two was exposed. While referring to the FIR so also the statements recorded under Section 180 and 183 of BNSS, he submits that the allegation of committing sexual assault has been levelled against the present petitioner, however considering the fact that there is a delay of about six

months in lodging of FIR so also considering the fact that there is neither any medical evidence nor any other supporting evidence to make out prima facie case against the appellant, the appellant is entitled to be enlarged on bail that apart, the statement of prosecutrix's son was recorded wherein he addressed the present appellant as "uncle". He also states that whenever the appellant used to visit prosecutrix, she herself would send her son for getting groceries, milk etc.

- 5.2 Based on these submissions, it is argued that the appellant, who is presently in judicial custody, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.
6. Contrary to the submissions of learned counsel for the appellants so also counsel appearing on behalf of complainant and learned Public Prosecutor opposes the appeal and submits that in view of the specific statement made by the prosecutrix in her statement under Section 183 BNSS, the present case is not fit for enlargement of accused on bail.
7. Heard learned counsel for the parties and perused the material available on record.
8. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the challan papers and the fact that there is a delay of about six months in lodging of FIR; the statement of the prosecutrix and her son; there is neither any medical

evidence nor any other supporting prima facie evidence to indicate involvement of any forceful sexual assault as alleged in the FIR, this Court is of the considered view that no fruitful purpose would be served by keeping the appellant behind bars for an indefinite period. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appeal filed by the appellant deserves to be allowed.

9. Consequently, the instant appeal is allowed. The impugned order dated 19.06.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Chittorgarh is set aside. It is ordered that the accused-appellant-**Badal Soni S/o Kailash Chandra Soni**, arrested in connection with aforesaid FIR, shall be released on bail, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs. 25,000/- each to the satisfaction of the learned trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.
10. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

**(SUNIL BENIWAL),J**