

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8499/2026
CNR: RJHC010609232026 | URN: CRLMB / 18454U / 2026

Rohit Kumar S/o Jagdish Chandra, Aged About 19 Years, R/o
Amarpura Police Station Bijaypur District Chittorgarh. (Presently
Lodged At District Jail Chittorgarh)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Banshi Lal S/o Ram Lal Dhakar, R/o Kalyanpura Thana
Bijaypur District Chittorgarh.

-----Respondents

For Petitioner(s) : Mr. Surendra Singh Shaktawat

For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

03/08/2026

1. Learned Public Prosecutor submits that notice issued to
respondent No.2 has been duly served. Despite service, none
appeared on behalf of respondent No.2.
2. Service report dated 05.07.2026 is taken on record.
3. 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	39/2026
2.	Date of lodging FIR	19.04.2026
3.	Concerned Police Station	Bijaypur
4.	District	Chittorgarh
5.	Offences alleged in the FIR	Section 137(2) BNS, 2023 and Sections 16 & 17 of POCSO Act, 2012
6.	Offences added, if any	Section 64 BNS, 2023 and Section 5/6 of POCSO Act, 2012

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 19 years and the age of the victim is 16 years 5 months. While referring to the statement of the victim recorded under Section 183 BNSS, he submits that the relation between the petitioner and victim was consensual and there is no allegation of forceful sexual assault. Furthermore, petitioner and the victim travelled on various places using public transport, on their own free will, however, no protest whatsoever was raised by the victim at any point of time. The present FIR has been lodged only after the petitioner and the victim were caught by her maternal grandfather. He also submits that whether the victim was minor at the time of incident, is yet to be determined in the trial. The petitioner is in judicial custody since 27.04.2026 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.

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 petitioner is aged about 19 years and the age of the victim is stated to be 16 years 5 months; there is no allegation of forceful sexual assault levelled against the

present petitioner in the statement of victim recorded under Section 183 BNSS; prima facie neither medical evidence or any other evidence support commission of crime; whether at the time of the alleged incident, victim was minor or major is to be determined in the trial and that the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

8. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Rohit Kumar S/o Jagdish Chandra** shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

9. 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