

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Appeal (SB) No. 1137/2026
CNR: RJHC010609612026 | URN: CRLAS / 2594U / 2026

Shahrukh S/o Anwar Ali, Aged About 22 Years, Resident Of Near Gayatri Mandir Ward No.03 Luharon Ka Mohalla, District Churu, Rajasthan. (Presently Lodged In District Jail, Churu)

----Appellant

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Mukesh Kumar S/o Prakash, R/o Indra Colony, Ward No.47, Kasba Churu, Police Station Kotwali, District Churu, Rajasthan.

----Respondents

For Appellant(s) : Mr. Devendra Mehlana
Mr. Harsh Shekhawat

For Respondent(s) : Mr. Urja Ram Kalbi, PP
Mr. Ravindra Singh Bhati, AGA

HON'BLE MR. JUSTICE SUNIL BENIWAL
Order

24/07/2026

1. 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	133/2026
2.	Concerned Police Station	Kotwali Churu
3.	District	Churu
4.	Offences alleged in the FIR	Section 137(2) of the BNS, 2023
5.	Offences added, if any	Section 84 of the JJ Act and Section 3(2)(va) of the SC/ST Act
6.	Date of passing of impugned order	20.06.2026

2. Learned counsel for the appellant submits that no case for the alleged offences is made out against the appellant 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.
- 2.1 Learned counsel further submits that the appellant is aged about 22 years and the victim is aged about 17 years and 8 months. While referring to the statement of the victim recorded under Section 180 of the BNSS, 2023, learned counsel submits that the victim has categorically deposed that the present appellant neither committed nor attempted to commit any act of sexual assault upon her. Learned counsel further submits that, after investigation, the Investigating Agency has not found any material to substantiate the offences punishable under Section 64(1) of the BNS, 2023; Sections 3/4 of the POCSO Act, 2012 and Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, against the appellant. However, the Investigating Agency has found material only for the offence punishable under Section 137(2) of the BNS. It is stated that as a matter of fact, the victim on her own free will left her home.
- 2.2 Based on these submissions, it is argued that the appellant, who is presently in judicial custody since 17.06.2026, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.

3. Per contra, learned Public Prosecutor opposes the appeal and submits that the present case is not fit for enlargement of accused on bail.
4. Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.
5. Having considered the rival submissions, the facts and circumstances of the case and upon perusal of the case diary as well as the statement of the victim recorded under Section 180 of the BNSS so also considering the outcome of the investigation, which, *prima facie*, indicates that no offence has been alleged against the appellant punishable under Section 64(1) of the BNS, Section 3/4 of the POCSO Act and Section 3(2)(va) of the SC/ST Act and the Investigating Agency has found material only with respect to the offence punishable under Section 137(2) of the BNS, and that the prosecution has not expressed any apprehension qua the appellant fleeing away from justice, in case he is enlarged on bail, 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.
6. Consequently, the instant appeal is allowed. The impugned order dated 20.06.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Churu, District Churu is set aside. It is ordered that the accused-

appellant- **Shahrukh S/o Anwar Ali** 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.

7. 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