

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

S.B. Criminal Miscellaneous Bail Application No. 8583/2026

CNR: RJHC010615652026

URN: CRLMB / 18599U / 2026

Kailash S/o Kamla Ram, Aged About 20 Years, R/o Barmer
Jodhpur Link Road, Jaisalmer, Police Station Kotwali, District
Jaisalmer Raj.(Lodged In District Jail, Jaisalmer)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Gordhan Ram Urf Gorakh Ram S/o Kana Ram, R/o Barmer
Jodhpur Link Road, Jaisalmer, Police Station Kotwali,
District Jaisalmer Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Kamal Rathore
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

22/07/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Kailash S/o Kamla Ram** seeking bail in respect of a criminal case registered as FIR No. 22/2026 dated 04.04.2026 registered at P.S. Mahila Thana, District Jaisalmer, for the offence under Sections 137(2), 64(1) of BNS and 3/4 of POCSO Act.

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 petitioner submits that after registration of a report, the version of victim was recorded by Doctor at the time of medical examination wherein she has stated consensual relation with present petitioner. He further referred the record and submitted that no proof about date of birth has been filed by the police and in absence of birth record, the ossification test was conducted and after ossification test, the age of victim has been opined as between 17 to 18 years. He also submitted that after the first incident, the victim has not lodged any report, but later in pressure she filed a report. He further referred the material and submitted that there is no medical to show that any force was used in commission of rape.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. He submits that complainant-victim has been informed.

5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties

6. On basis of a report by father of victim about alleged incident of sexual assault on 03.04.2026, FIR No. 22/2026 was registered on 04.04.2026 at P.S. Mahila Thana, District Jaisalmer. During investigation, victim was examined by Doctor and a report has been prepared. The Doctor has also recorded version of victim and

same is placed on record. The statements of victim under Sections 180 and 183 of BNSS were recorded. Present petitioner is arrested on 05.04.2026 and a charge-sheet was filed against him. There is no document to show correct date of birth of victim and in absence of birth record, the police has carried out the ossification test and after ossification test, the Doctor has estimated her age between 17 to 18 years. The charge-sheet has been filed and there is no criminal antecedents against the petitioner.

7. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused.

8. Thus, the instant bail application filed on behalf of applicant-accused **Kailash S/o Kamla Ram**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

- (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.

- (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

9. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J

25-ANAND