

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 8586/2025

Babulal S/o Kalyan, Aged About 43 Years, R/o Ward No 6
Ramdev Ji Ka Mandir Meghwalo Ka Mohalla Kodiya Mija Police
Station Raithal District Bundi Presently Residing In Bhagwan Ji
Prajapat S House Hemnagar Jhalamand Police Station Kuri
Bhagtasni Jodhpur (Presently Lodged At Central Jail Jodhpur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. L, R/o Jhalamand District Jodhpur

-----Respondents

For Petitioner(s) : Mr. Sanjay Bishnoi

For Respondent(s) : Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

11/02/2026

This second application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.397/2024 registered at Police Station Kuri Bhagtasni, District Jodhpur, for the offences under Sections 64(1) and 137(2) of BNS and Sections 5(o)/6 of POCSO Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submitted that, as per the prosecution case, the victim came into contact with the present petitioner while working as a labourer at a construction site. On the date of the alleged incident, the petitioner is alleged to have gone to the victim's house and called her outside while her

parents were asleep. When the victim came out, she was allegedly made to inhale an intoxicating substance, as a result of which she became unconscious. It is further alleged that the petitioner thereafter took her to a secluded place and subjected her to forcible sexual assault/rape while she was in an unconscious state. On the following morning, the victim's brother, while searching for her, reached the place of occurrence and took her back home.

Learned counsel contended that the petitioner has been falsely implicated in the present case. It was argued that it is highly improbable that the victim would leave her house at midnight upon being called by the petitioner, without informing her parents, and thereafter become unconscious merely by smelling an intoxicating substance. Learned counsel further submitted that, in fact, the victim had voluntarily accompanied the petitioner to the place of incident, and that when she was found in his company the next morning by her family members, a false criminal case was lodged against him.

Lastly, learned counsel submitted that the petitioner is in judicial custody; the statement of the victim has already been recorded before the competent criminal court; and therefore, there is no apprehension of the petitioner influencing the prosecutrix or tampering with the evidence. It was further submitted that the trial is likely to take considerable time to conclude and, as such, the petitioner deserves to be enlarged on bail.

Per contra, learned Public Prosecutor vehemently opposed the bail application. However, he was not in a position to dispute

the fact that the petitioner has been in judicial custody since 03.11.2024 and that the statement of the victim has already been recorded before the competent criminal Court. The prosecution has not shown any apprehension of the petitioner influencing her or tampering with the evidence.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the second bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Babulal S/o Kalyan** arrested in connection with F.I.R. No.397/2024 registered at Police Station Kuri Bhagtasni, District Jodhpur, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

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.

(KULDEEP MATHUR),J