

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 8678/2026
CNR: RJHC010622312026 | URN: CRLMB / 18800U / 2026

Lacchiya S/o Holiya, Aged About 36 Years, R/o Mayakhedi Devla
Police Station Parsola District Pratapgarh. (Presently Lodged In
Sub Jail Kanod ,district Udaipur)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

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

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

23/07/2026

1. 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	98/2026
2.	Date of lodging FIR	23.05.2026
3.	Concerned Police Station	Parsola
4.	District	Pratapgarh
5.	Offences alleged in the FIR	Section 64(2)(m) of BNS, 2023
6.	Offences added, if any	-

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that false

allegations have been levelled against him. He further submits that the prosecutrix is 35 years of age and is a married woman. According to the learned counsel, the relationship between the petitioner and the prosecutrix was consensual.

2.1 While referring to the statements of the prosecutrix recorded under Sections 180 and 183 of the BNSS, learned counsel submits that there is an inordinate delay in lodging the FIR. The prosecutrix, in her statement, alleged that the petitioner had committed sexual assault upon her approximately eight months prior to the lodging of the FIR and thereafter continued to commit sexual assault on multiple occasions. As per her statement, the last alleged incident took place on 26.03.2026. Learned counsel submits that, although the prosecutrix alleged that the petitioner committed sexual assault upon her on 26.03.2026, but, during her medical examination she referred only to the incident that allegedly occurred 7–8 months earlier and made no reference to the alleged incident dated 26.03.2026. He further submits that the medical report does not indicate any evidence of forcible sexual assault. The petitioner is in judicial custody since 15.06.2026 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes the bail application and submits that, in view of the specific allegations made by the prosecutrix in her statements recorded under Sections 180 and 183 of the BNSS, the petitioner is not entitled to be enlarged on bail.

4. Heard learned counsel for the petitioner 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, this Court. There is no supporting medical or other evidence indicating the involvement of the present petitioner in the crime in question. The statement of the prosecutrix recorded during her medical examination refers to an incident that allegedly occurred 7–8 months prior to the lodging of the FIR, while making no reference to the last alleged incident, which, according to her statement, took place on 26.03.2026. The FIR was lodged on 23.05.2026 for an offence continuing from 21.09.2025 to 26.03.2026, therefore, there is a delay of about two months in lodging the FIR, from the last date of incident. Even the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail. Therefore, 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.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Lacchiya S/o Holiya** 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.

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