

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous IInd Bail Application No. 9125/2026
CNR: RJHC010639552026 | URN: CRLMB / 19794U / 2026

Sandeep Lamba @ Manoj S/o Narayan, Aged About 25 Years,
R/o Karanga Badda, Police Station Fatehpur Sadar, District Sikar,
Rajasthan. (Presently Lodged In District Jail Churu)

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Parhlad Sunda S/o Jivan Ram Sunda, Lodsar, Sujangarh,
Churu.

----Respondents

For Petitioner(s) : Ms. Anjali Kaushik for
Mr. Shreekant Verma

For Respondent(s) : Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

28/07/2026

1. The present second bail application under Section 483 of BNSS is filed by the applicant-accused **Sandeep Lamba @ Manoj S/o Narayan** seeking bail in respect of a criminal case registered as FIR No. 64/2024 dated 07.05.2024 registered at Police Station Salasar, District Churu, for the offence under Sections 363, 366A, 376(2)(n), 376D, 328, 382, 506 & 34 of IPC, 1860 and under Section 5/6 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. She further submits that there are

no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. She also submits that the applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for applicant-accused submits that for incident of 03.05.2024 a report has been registered on 07.05.2024 but without explaining reasons of delay. She also submitted that as per report the complainant was aware about the fact of custody of victim on 04.05.2024 but still he has not reported the matter to police. She also submitted that the report is only registered on return of victim which is sufficient to show that the entire report is concocted. She further referred the police investigation and submitted that the police has filed the charge-sheet and later present applicant-accused has surrendered on 01.07.2025 and since then he is in custody. She also submitted that the statement of victim were recorded as PW-2 and after cross-examination of PW-2 it is apparent that the story narrated by victim is false rather she has not raised any alarm to seek assistance from general public if she was under any threat or duress. She also submitted that the statement of victim are not trustworthy and same cannot be relied to draw any conclusion against the applicant-accused. She also referred the age of victim and submitted she was more than 16 years of age and she understand about her well-being. She also submitted that nothing came on record in medical report or in FSL report. At last she submitted that there is no criminal

antecedents against the applicant-accused and applicant-accused is entitled for bail.

4. Aforesaid contentions were opposed by learned Public Prosecutor and he submitted that the offence is serious in nature and role and involvement of applicant is established from the material on record.
5. Heard learned counsel for the applicant-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. On basis of a report dated 07.05.2024 lodged by father of victim against present applicant-accused and Devkaran for incident between 03.05.2024 to 05.05.2024 FIR No. 64/2024 was registered at Police Station Salasar, District Churu and matter is investigated. As both the accused Sandeep Lamba @ Manoj and Devkaran were absconded therefore, police has filed a charge-sheet under Section 363, 366A, 376(2)(n), 376(D) and 506/34 of IPC and 5(G)(L/6) of POCSO Act. Present applicant-accused has surrendered on 01.07.2025 and he was taken in custody.
7. First bail application of present applicant-accused was filed as 12097/2025 and while dismissing the bail application as withdrawn we have observed as under on 22.05.2026:

"2. During course of arguments, learned Public Prosecutor has submitted that after registration of FIR, present applicant-accused along with co-accused Devkaran have absconded and thereafter a charge-sheet is filed in-absentia and the statement of witnesses were recorded in absence. He further submitted that now, both the applicant-accused Sandeep and

the co-accused Devkaran are arrested and trial is going on.

3. Learned counsel for the present applicant-accused, during course of arguments, has submitted that age of victim is nearly 18 years as per story of prosecution and victim was having friendship with applicant-accused Sandeep and there is no involvement of Devkishan, but she offers to withdraw the instant bail application with liberty to file after recording statement of victim before the learned trial Court.

4. Having considered the statements, the bail application is dismissed as withdrawn with liberty aforesaid.

5. The trial Court is directed to record the statement of victim on priority basis preferably within a period of 60 days from date of receipt of copy of this order."

8. The material on record clearly indicate that statement of victim was recorded as PW-2 on 06.12.2024 but in absence of accused. Later her statement was concluded in presence of present applicant-accused on 16.09.2025 and an opportunity for cross-examination was permitted by learned Special Judge POCSO Act Cases, Churu. This indicate that before disposal of first bail application on 22.05.2026 the statement of victim were already concluded. It simply indicate that there was disconnect between the counsel for applicant and the applicant.
9. We have considered the statement of victim recorded as PW-2 and it indicate that two persons were involved in the entire incident. The victim has named present applicant-accused and Devkaran for committing rape with her. This is a case wherein two persons have committed rape with victim thus, it is a case of gang rape and present applicant-accused who

was charged not only under the POCSO Act but also under Section 376D of IPC. Therefore, looking to the gravity of the offence the applicant-accused is not entitled for bail.

10. In view of discussion made hereinabove the second bail application preferred by the applicant-accused **Sandeep Lamba @ Manoj S/o Narayan** is under Section 483 of BNSS is hereby dismissed.

11. The trial Court is directed to expedite the trial.

(ASHOK KUMAR JAIN),J