

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

S.B. Criminal Appeal (Sb) No. 1203/2026
CNR: RJHC010651052026 | URN: CRLAS / 2771U / 2026

Ajay Alias Raj Alias Khargosh S/o Late Vinod Singh, Aged About
26 Years, R/o Kuratiya, P.s. Sendra, District Beawar, Raj..
(Presently Lodged At District Jail Beawar)

----Appellant

Versus

- The State Of Rajasthan, Through PP
- Aarti W/o Narendra, Aged About 25 Years, R/o Kolpura,
P.s. Ras, District Beawar Raj.

----Respondents

For Appellant(s) : Mr. Pravin Kumar
For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/08/2026

- 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	237/2025 dated 21.12.2025
2.	Concerned Police Station	RAS
3.	District	Beawar
4.	Offences alleged in the FIR	Sections 140(3), 70(1), 61(2), 64(2)(m), 351 (2) of BNS, 2023 and Sections 3(1)(w)(i) and 3(2)(va) of SC/ST Act.
5.	Offences added, if any	Sections 3(1)(w)(ii) and

		3(2)(v)(vs) of SC/ST Act.
6.	Date of passing of impugned order	25.03.2026

2. Learned counsel for the appellant submits that no case for the alleged offences is made out against 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 He further submits that the age of the appellant is about 26 years whereas the age of the prosecutrix is 25 years. The present case was lodged on 27.12.2025, alleging an incident that occurred on 27.11.2025. The appellant is in judicial custody since 06.02.2026. He also submits that although, in her statements recorded under Sections 180 and 183, BNSS, the prosecutrix has levelled allegations of sexual assault against the present appellant however, both the statements clearly indicate that the relations between both of them were consensual and the present FIR came to be lodged only when their relationship got exposed. While referring to the medical evidence, he contends that the doctor has opined no forceful sexual intercourse nor is there any external injury indicating commission of the crime in question. Learned counsel for the appellant further contends that there is a delay of about a month in lodging of the FIR which further casts doubt about the story as narrated in the FIR. He further submits that, while referring to the statement of the

hotel owner the appellant and the prosecutrix voluntarily gave their adhar cards while taking a room in the hotel, which further indicates the consensual relationship between the appellant and prosecutrix.

- 2.2 Based on these submissions, it is argued that the appellant, who is presently in judicial custody, is entitled to be enlarged on bail, as the trial will take sufficiently long time to conclude.
3. Contrary to the submissions of learned counsel for the appellants, 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. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the challan papers so also considering the fact that appellant and prosecutrix are both majors; the prosecutrix is a married lady; there is a delay of about a month in lodging of the FIR; neither medical evidence nor any supporting evidence is prima facie available on record indicating the involvement of the appellant in the crime in question so also considering the statements as made, prima facie indicate that the relationship between appellant and prosecutrix was consensual, 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 25.03.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Beawar is set aside. It is ordered that the accused-appellant- **Ajay Alias Raj Alias Khargosh S/o Late Vinod Singh** 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