

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Appeal (Sb) No. 1199/2026
CNR: RJHC010653772026 | URN: CRLAS / 2742U / 2026

Sureshnath S/o Bhanwar Nath, Aged About 40 Years, R/o Siddho
Ki Ndhani Village Chhila Police Station Shri Balaji District Nagaur
Rajasthan (Presently Lodged In Sub Jail Parbatsar)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Sayara W/o Pannaram, Aged About 27 Years, R/o
Jalniyasar Tehsil Jayal District Nagaur Presently R/o
Bachhakhada Mohalla District Nagaur Rajasthan

----Respondents

For Appellant(s) : Mr. Durgesh Khatri

For Respondent(s) : Mr. Urja Ram Kalbi, PP
Mr. Surya Pratap Singh Rathore (for
complainant)

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/08/2026

1. 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	014/2026
2.	Concerned Police Station	Mahila Thana (Nagaur)
3.	District	Nagaur
4.	Offences alleged in the FIR	Sections 64(2)(m), 115(2) and Section 3(2)(v) of SC/ST Act.
5.	Offences added, if any	Section 3(1)(w)(i) and 3(2)

		(va) of SC/ST Act
6.	Date of passing of impugned order	15.05.2026

2. Learned counsel for the appellant submits that no case for the alleged offences is made out against the 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 appellant is aged about 40 years and the prosecutrix is aged about 27 years and she is a married lady having three children. In the present case the FIR was lodged on 18.01.2026 while alleging that appellant has been repeatedly forcefully sexually exploiting the prosecutrix on the basis of some obscene photos from last two years and the last incident is stated to have occurred on 17.01.2026. He submits that as a matter of fact, relation between the appellant and prosecutrix were consensual however, when the relation got exposed, the present FIR came to be lodged.
- 2.2. He also submits that though prosecutrix has alleged offence of sexual assault against the present petitioner in her statements recorded under Section 180 and 183 BNSS, however, the facts and circumstances clearly indicate that relation between them were consensual.
- 2.3. While referring to the challan papers, he submits that appellant and prosecutrix, on their own voluntary will, were

seen in the CCTV footages where they went to hotel and returned back and there is no indication of any forceful sexual assault.

- 2.4 Based on these submissions, he submits that appellant's incarceration is not warranted and the appellant, who is in judicial custody since 21.01.2026, 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.
- 3.1. Learned counsel for the complainant, while referring to the statements of the prosecutrix recorded under Section 180 so also 183 of the BNSS, submits that there is a specific allegation of sexual assault levelled by the prosecutrix and she was being threatened by the appellant on the basis of obscene photos. The last incident occurred on 17.01.2026 when the prosecutrix was again called by the appellant on the pretext of deleting her obscene photos and was sexually assaulted by the appellant. The prosecutrix sustained injuries which is evident from the medical report prepared on 18.01.2026 wherein as many as 6 injuries have been recorded to be inflicted within 1-2 days prior to the examination and it has been opined that there are signs of use of force.

4. Heard learned counsel for the parties 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 and the fact that the medical report prima facie indicates commission of sexual assault as 6 injuries have been recorded and it has been opined that there are signs of use of force and considering specific allegations levelled in the statements recorded under Section 180 and 183 BNSS, this Court is not inclined to enlarge the petitioner on bail at this stage.
6. Accordingly, the present appeal is dismissed.

(SUNIL BENIWAL),J