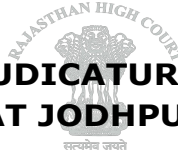




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous Bail Application No. 9252/2026
CNR: RJHC010654452026 | URN: CRLMB / 20120U / 2026

Afzal S/o Fakrudeen, Aged About 21 Years, R/o Khetadadi
Mandor Road Police Station Mahamandir Jodhpur. (Presently
Lodged In Central Jail Jodhpur)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Abdul Hakim S/o Abdul Rahman, Ro Khetadadi Mandor
Road Jodhpur

-----Respondents

For Petitioner(s)	:	Mr. Satar Mohammad
For Respondent(s)	:	Mr. Surendra Bishnoi, PP Mr. C.S. Rajpurohit

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

05/08/2026

1. Mr. C.S. Rajpurohit, learned counsel, puts in appearance on behalf of the parents/guardian of the victim. Hence, service upon the parents/guardian of the victim stands complete.
2. The applicant has filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 29.06.2026 passed by the learned Special Judge, POCSO Act, 2012 and Commission for Protection of Child Right Act, 2005, No.2, Jodhpur Metropolitan, in Criminal Misc. Case No.39/2026, whereby the bail application filed by the accused-applicant under Section 483 B.N.S.S. was rejected. The accused-applicant is behind the bars, pursuant to the F.I.R. No.134/2026 registered at



Police Station Maha Mandir, Jodhpur City East for the offences punishable under Sections 65(1), 75(2), 137(2), 308(2), 316(2) and 351(2) of BNS, under Section 67a of IT Act and Sections 3 and 4 of POCSO.

3. Learned counsel for the applicant submits that the entire allegation is against the main accused 'A', who, being a juvenile, has already been enlarged on bail by a Coordinate Bench of this Court, vide order dated 06.07.2026 passed in S.B. Criminal Revision Petition No.644/2026 ('A' v. State of Rajasthan & Anr.). He submits that there is no allegation of any overt act on the part of the accused-applicant except that he asked the child/victim to go along with the main accused 'A'. He also submits that the charge-sheet has already been filed and the trial is likely to take sufficiently long time to conclude. He, therefore, implores this Court to allow the present Criminal Miscellaneous Bail Application.

4. *Per contra*, learned Public Prosecutor as well as learned counsel for the complainant oppose the bail application and submit that, considering the nature of the allegations, the accused-applicant does not deserve to be enlarged on bail. Learned counsel for the complainant, however, is not in a position to dispute the fact that there is no allegation of any overt act against the accused-applicant and that the entire allegation is against the main accused 'A', who, being a juvenile, has already been enlarged on bail by a Coordinate Bench of this Court.

5. Heard learned counsel for the applicant and learned Public Prosecutor as well as learned counsel for the complainant and perused the material available on record.



6. I have considered the arguments advanced by learned counsel for the parties and find substance in the arguments of learned counsel for the applicant that in the statement of the prosecutrix as well as the FIR in question, as far as the role of the accused-applicant is concerned, no overt act has been alleged against the accused-applicant and the entire allegation of sexual assault and penetrative intercourse has been levelled against the main accused 'A', who, being a juvenile, has already been enlarged on bail by a Coordinate Bench of this Court. Further, a perusal of the statement of the prosecutrix reveals that the only allegation against the accused-applicant is that he had requested the victim to accompany the main accused 'A', failing which, he would call the parents of applicant-Afzal at the place of occurrence. Also considering the fact that the charge-sheet has already been filed and the trial is likely to take sufficiently long time to conclude, this Court *prima facie* finds it a fit case to enlarge the accused-applicant on bail application.

7. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicant on bail.

8. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant; **Afzal S/o Fakrudeen**, arrested in connection with F.I.R. No.134/2026 registered at Police Station Maha Mandir, Jodhpur City East, 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.

9. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J

24/Devraj Pandey