

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

S.B. Criminal Appeal (Sb) No. 1914/2025

Asharam S/o Kajodmal @ Bherulal Yogi, Aged About 21 Years,  
R/o Near Mataji Temple Sarsoap Ps Chauth Ka Barwara District  
Sawaimadhopur (Raj.) (At Present Lodged At District Jail,  
Bhilwara)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Mrs. Seema Devi W/o Lekhraj Regar, R/o Kachola At  
Present Residing At Kuchalwara Road Police Station  
Hanumannagar District Bhilwara (Raj.)

----Respondents

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|-------------------|---|---------------------|
| For Appellant(s)  | : | Mr. Abhishek Charan |
| For Respondent(s) | : | Mr. U.R. Kalbi, PP  |

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**HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

**Order**

**28/08/2025**

Service on respondent No.2-complainant is complete  
however, no one appears on her behalf.

2. The instant appeal has been filed under Section 14-A(2) of  
SC/ST (Prevention of Atrocities) Act, on behalf of the appellant,  
who is in custody in connection with FIR No.268/2024, Police  
Station Hanuman Nagar, District Shahpura, for the offences under  
Sections 87, 308(2), 70(1), 127(2), 115(2) BNS and Sections 3(1)  
(r)(w) & 3(2)(v) of the SC/ST Act against order dated 05.07.2025  
passed by the learned Special Judge, Scheduled Caste/Scheduled  
Tribe (Prevention of Atrocities) Cases, Bhilwara whereby, the bail  
application preferred under Section 483 B.N.S.S. on behalf of the  
appellant was rejected.

3. Learned counsel for the appellant submits that accused-appellant has falsely been implicated in this case as the present one is a matter of consensual relationship. It is further submitted that prosecutrix is a 37 years old major lady who, in her statements recorded under Section 183 BNSS admitted that she had been in contact with the present petitioner through telephone calls for last one year. She further stated that she willfully returned to the same house where the petitioner had kept her for 17-18 days. Learned counsel also submitted that witness-Dinesh, in her statements, stated that the petitioner and prosecutrix had come to his house as husband and wife and stayed there for 15-16 days. It is further submitted that there were other persons also involved in the matter but investigation agency has levelled allegation of committing offence against the present petitioner alone. Lastly, learned counsel contended that accused-appellant is in judicial custody and the trial of the case will take long time. Lastly, learned counsel submits that learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Bhilwara has grossly erred in law and facts as well in declining to release the appellant on bail. Therefore, it is prayed that the benefit of bail may be granted to the accused-appellant.
4. Learned Public Prosecutor has vehemently opposed the prayer for bail.
5. Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the statements of the prosecutrix, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

6. Consequently, the instant appeal is allowed. The impugned order dated 05.07.2025 passed by learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Bhilwara is set aside. It is ordered that the accused-appellant, Asharam S/o Kajodmal @ Bherulal Yogi, arrested in connection with FIR No.268/2024, Police Station Hanuman Nagar, District Shahpura, shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds 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.

**(CHANDRA SHEKHAR SHARMA),J**

334-T.Singh/-