

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

S.B. Criminal Miscellaneous Bail Application No. 14012/2024

Praveen S/o Rakesh Das, Aged About 20 Years, R/o Nandwan,
P.s. Vivek Vihar, Jodhpur. (At Present Lodged In Central Jail,
Jodhpur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Gulabi Devi W/o Deva Ram, R/o Salawas, P.s. Vivek
Vihar , Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Sunil Mehta
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP Mr. Abhishek Akhawat for complainant Mr. Anand Singh Rajpurohit, I.O. ACP Boranada, Jodhpur

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/03/2025

This application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.78/2024 registered at Police Station Vivek Vihaar, Jodhpur City West for the offences under Sections 354-A, 354-D, 306 and 120-B of IPC; Section 11/12 of POCSO and Section 64/7 of IT Act.

Learned counsel for the petitioner submitted that as per the prosecution story, the deceased Mst. 'S' committed suicide by hanging herself. As per the prosecution, one Tikma Ram S/o Kera Ram had captured obscene video of the deceased and sent it to the petitioner and other co-accused persons. As per the

prosecution, the petitioner and co-accused persons by threatening the deceased to viral her obscene video on social media platform started blackmailing the deceased. The behaviour of the petitioner caused immense mental torture compelling her to commit suicide.

Learned counsel submitted that the petitioner has falsely been implicated in the present case; the investigation against the petitioner has already been completed and the challan has been filed against him for the offences under Section 354-A, 354-D, 306 and 120-B of IPC r/w Section 11/12 of POCSO Act and Section 67 of IT Act; the petitioner does not have any criminal antecedents and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the bail application.

Heard learned counsel for the parties at Bar. Perused the material available on record.

This Court looking to the nature of the allegations against the present petitioner vide order dated 21.03.2025 directed the learned Public Prosecutor to keep the Investigating Officer present before this Court. In compliance of this Court's order dated 21.03.2025, the Investigating Officer has appeared before this Court.

On being questioned by the Court, the Investigating Officer stated that no obscene video or photographs of the deceased have been recovered by the investigating agency. He further submitted that though the FIR was filed against Tika Ram, Trilok Prajapat, Ravi Mothra, Govind Choudhary and the present petitioner but the challan has only been filed against the petitioner and Ravi Mothra only. He

submitted that as per the investigation, due to bad behaviour of the petitioner and the co-accused persons, the deceased felt harassed/humiliated so much so that she felt that her self-esteem and self-respect has been tarnished.

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that though as per the prosecution, the deceased was being blackmailed by the petitioner and co-accused persons, by threatening to circulate her obscene videos and photographs but no such material has been recovered by the investigating agency; the petitioner who is aged about 20 years is in judicial custody; *prima facie*, there is no direct evidence available on record suggesting that the petitioner had *mens rea* or intention to aid or instigate the deceased to commit suicide. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Praveen S/o Rakesh Das** arrested in connection with F.I.R. No.78/2024 registered at Police Station Vivek Vihaar, Jodhpur City West 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.

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.

(KULDEEP MATHUR),J

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