

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12347/2025

Manish Kumar Jat S/o Ramswaroop, Aged About 20 Years, R/o Charbhuja Mohalla Pander, Police Station Pander, District Bhilwara, Rajasthan. (Presently Lodged In Dist. Jail Bhilwara)

-----Petitioner

Versus

1. State of Rajasthan, Through PP
2. Shivraj Kalbeliya S/o Shri Dhanna, R/o Maganpura, Police Station Pander, District Bhilwara, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Shive Kumar Bhati

For Respondent(s) : Mr. Sameer Pareek, PP

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

08/12/2025

1. Instant bail application has been filed by petitioner under Section 483 BNSS in connection with FIR No.51/2025 registered at Police Station Pander, District Bhilwara for offence(s) under Sections 137(2), 87, 127(2), 64(1), 34(2)(M) of the BNS, 2023 and Section 3/4(2), 5(I)/6 of the POCSO Act and Section 3(1)(w) (ii), 3(2)(v)(va) of the SC/ST Act.
2. Counsel for the petitioner states that petitioner is young boy of 20 years and is in custody since 28.04.2025; after investigation, charge-sheet has been filed and in the criminal trial statements of victim have been recorded. Counsel submits that in the statements of victim, recorded under Section 180 of the BNSS on 17.07.2025, under Section 183 of the BNSS on 19.04.2025 and during course of trial on 21.08.2025, she is not constant in

disclosing her age, indeed, victim is a major girl and her age has wrongly been mentioned as 16 years and 5 months.

3. Counsel further submits that from the statements of victim, it is apparently clear that she fall in love with petitioner and went with him by her own will and volition. She admits to receive a mobile phone as gift from petitioner and to talk with him since about one year. In her statements, victim has not made any statement to commit sexual intercourse by petitioner against her wish or forcefully, rather she admits that petitioner did not commit any wrong act with her. Counsel for the petitioner further submits that future of petitioner is being ruined and he is in continuous judicial custody, having no previous criminal antecedents, hence, petitioner be given benefit of bail.

4. Learned Public Prosecutor opposed the bail application and states that the DNA report supports the case of prosecution.

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

6. Taking into consideration the overall facts and circumstances of the present case, the proximity of age of both the parties including the statements of victim in respect of her age; petitioner does not have any criminal antecedents; petitioner is in custody since long and conclusion of trial may take a considerable time, but without commenting on merits of the case, this Court deems it just and proper to release the petitioner on bail.

7. Accordingly, the bail application is allowed and it is ordered that the accused-petitioner **Manish Kumar Jat S/o Ramswaroop**, shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of



Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to do so.

(SUDESH BANSAL),J