

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 12762/2025

1.

Rajkumar S/o Shri Rajveer, Aged About 34 Years, R/o Naya Gav, Police Station Behrod, District Alwar, Presently R/o Meena Ki Johdi Kirtaan, P.S. Hamirwas. (Presently Lodged in Dist. Jail Churu)
2.

Sanjay Kumar Alias Ravi S/o Late Shri Nanchanram, Aged About 25 Years, Adopted Son of Shri Dharmendra R/o Rampuraphool Karmchand Patti, Police Station Rampura City, District Bhatinda (Punjab). (Presently Lodged in Dist. Jail Churu)

----Petitioners

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s)

:

Mr. Hardik Gautam

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 the petitioner under Section 483 BNSS in connection with FIR No.256/2025 registered at Police Station Rajgarh, District Churu for offences under Sections 310(2), 331(6), 75(2), 76, 70(1), 115(2), 127(2) of BNS, 2023.
2.

It has been argued that the petitioners were arrested on 17.07.2025 and 22.07.2025 respectively in the present FIR. The FIR was registered against unknown six persons to enter into house of complainant and make robbery of cash and ornaments. During course of investigation, on the basis of statements of one major lady of 30 years to commit rape with her, petitioners have also been charged for offences under Section 70(1) of the BNS, 2023.

3. Learned counsel submits that in the statements of victim, petitioners have not been named for the allegation of rape nor victim identified the petitioner, and petitioners have been made accused on the identification made by the complainant. In respect of criminal antecedents of petitioner-Raj Kumar, it has been submitted that one criminal antecedent is of year 2002 and another is of 2009 and against accused- Sanjay Kumar, antecedents are for offences of theft wherein petitioner has already been released on bail; after investigation, charge-sheet has been filed and conclusion of trial will take a considerable time, hence, in such circumstances, petitioner be granted benefit of bail.

4. Learned Public Prosecutor opposed the bail application.

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

6. Considering the contention made by counsel for petitioners and the fact that, though, charge-sheet against petitioners have been filed for offences under Sections 331(6), 70(1), 75(2), 76, 111(2)(b), 111(3), 127(8), 310(2) and 55 of the BNS, 2023, however, in the statements of victim, petitioners have not been named for committing rape nor she identified the petitioners in respect of allegation of rape; petitioners are in custody since 17.07.2025 and 22.07.2025 respectively and considering the previous criminal antecedents of petitioners, but without commenting on merits of the case, this Court deems it just and proper to release the petitioners on bail.

7. Accordingly, the bail application is allowed and it is ordered that the accused-petitioners- **(i)Rajkumar S/o Shri Rajveer & (ii)Sanjay Kumar Alias Ravi S/o Late Shri Nanchanram**, shall be released on bail provided they 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 their appearance before the court concerned on all the dates of hearing as and when called upon to do so.

8. However, considering the criminal antecedents of the petitioner-Sanjay Kumar, it is hereby directed that the petitioner-Sanjay Kumar shall mark his presence before the concerned Police Station in the first week of every month. Further accused-petitioners are directed not to repeat the similar nature of offence and shall not tamper with/ threaten/ induce the prosecution witnesses, during bail granted by this Court, In case, breach of any of the condition is reported or comes to the notice of the Court, same shall be the reason for the trial Court to cancel the bail, granted by this Court.

(SUDESH BANSAL),J