



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

**S.B. Criminal Miscellaneous Bail Application No.  
12692/2025**

Sayarmal S/o Shri Sunda Ram, Aged About 27 Years, R/o Devli Khurd, Police Station Parbatsar, District Deedwana-Kuchaman.  
(At Present Lodged In Sub Jail, Parbtsar)

-----Petitioner

Versus

- 1. State Of Rajasthan, Through PP
- 2. Dala Ram S/o Shri Ram Bax, R/o Chitawa, P.s. Pilwa.

-----Respondents

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| For Petitioner(s) | : | Mr. Mohammad Akbar                                         |
| For Respondent(s) | : | Mr. Sameer Pareek, PP<br>Mr. Jitendra Ojha for complainant |

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**HON'BLE MR. JUSTICE SUDESH BANSAL**

**Order**

**08/12/2025**

- 1. Heard counsel for petitioner, counsel for complainant as well as learned Public Prosecutor and perused the *challan* papers as also the statements of prosecutrix and her mother.
- 2. Instant bail application has been filed by petitioner under Section 483 of BNSS in connection with FIR No. 34/2025 registered at Police Station- Peelwa, District- Didwana Kuchaman for offences under Sections 137(2), 127(4), 64(2)(m) of BNS and Sections 3/4 & 5(I)/6 of the POCSO Act.
- 3. Learned Public Prosecutor submits that information to the complainant/ victim has already been sent. However, no one has put in appearance on behalf of the complainant/ vicitm.

4. Counsel for petitioner states that prosecutrix is a major girl and she eloped with petitioner by her free will; petitioner has falsely been implicated in the present case, alleging her age to be of 16 years & 10 months, whereas her mother, who appeared during course of trial as PW-3, herself admits in her cross-examination that age of her daughter is 21 to 22 years. In addition, counsel states that victim in her statements, recorded during course of trial, clearly admits that she never went to school and does not have any document of her age like birth certificate etc. Petitioner is in custody since 10.04.2025 and conclusion of trial will take a considerable time, therefore, in such circumstances, petitioner be released on bail.

5. Learned Public Prosecutor and counsel for complainant have opposed the bail application.

6. Having considered the rival contentions of counsel for both the parties and taking into consideration the contradiction in the statements of prosecution witnesses as also in the evidence regarding age of prosecutrix, as in the FIR, age of prosecutrix is stated to be 16 years and 10 months, whereas the mother of the prosecutrix (PW-3), in her cross-examination, states her age to be around 21 to 22 years; school certificate has been disputed by the victim, stating *inter-alia* that she never went to any school and does not have any document of her birth; petitioner is in custody 10.04.2025 and conclusion of trial will 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 **Sayarmal S/o Shri Sunda Ram** 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**

Sachin Sharma/ 70