

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 15244/2025

Nitesh Jhuriya S/o Laxmanram, Aged About 23 Years, Saniya
Police Station Khunkhuna District Didwana Kuchaman (Presently
Lodged At District Jail Nagaur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Bhawani Shankar S/o Chenaram, Saniya Police Station
Khunkhuna District Didwana Kuchaman

-----Respondents

For Petitioner(s)	:	Mr. Jamvant Gurjar.
For Respondent(s)	:	Mr. Narendra Gehlot, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/02/2026

This second application for bail under Section 483 of BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.209/2023 registered at Police Station Khunkhuna, District Deedwana-Kuchaman, for offences under Sections 363 and 376(3) IPC and Sections 3/4 and 11/12 of the POCSO Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submits that the petitioner, aged about 23 years, has been falsely implicated in the present case. Inviting the Court's attention to the contents of the FIR and the statement of the victim 'A' recorded before the competent Criminal Court as PW-1, it is contended that on

25.10.2023, the victim voluntarily accompanied the petitioner and travelled with him to various places, including Jaipur. It is further submitted that the victim stayed with the petitioner in hotels situated in thickly populated areas.

Learned counsel argues that it was only after the police, pursuant to the FIR lodged by the victim's family members, recovered her, that she implicated the petitioner in a false criminal case. It is also submitted that the statement of the victim has already been recorded before the competent Criminal Court and, therefore, there is no apprehension of the petitioner influencing her or tampering with the evidence. Learned counsel further submits that the petitioner has no criminal antecedents.

It is additionally submitted that the petitioner is in judicial custody and that the trial of the case is likely to take considerable time to conclude. On these grounds, learned counsel has implored the Court to enlarge the petitioner on bail.

Per contra, learned Public Prosecutor has opposed the bail application, submitting that there are serious and specific allegations against the petitioner of subjecting a minor girl to forcible sexual assault. However, he is not in a position to refute the fact that the statement of the victim has already been recorded and that, therefore, there is no apprehension of the petitioner influencing her or other material prosecution witnesses in the event he is enlarged on bail.

Having considered the rival submissions and the facts and circumstances of the case, this Court, without expressing any

opinion on the merits or demerits of the case, is inclined to enlarge the petitioner on bail.

Consequently, the second bail application under Section 483 of BNSS is allowed. It is ordered that the accused-petitioner **Nitesh Jhuriya S/o Laxmanram** arrested in connection with F.I.R. No.209/2023 registered at Police Station Khunkhuna, District Deedwana-Kuchaman, 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