

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

S.B. Criminal Miscellaneous Bail Application No. 15057/2025

Vipin S/o Shri Maganlal, Aged About 19 Years, R/o Khandi Oberi,
Nichla Fala, Police Station Kherwada District Udaipur (Presently
Lodged In Central Jail Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Mamta W/o Rakesh Kharadi, R/o Nichla Mandwa, Police
Station Kalyanpur District Udaipur Raj.

-----Respondents

For Petitioner(s)	: Mr. Ojas Shakdwipeeya
For Respondent(s)	: Mr. Hanuman Singh Prajapat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

24/02/2026

1. This application for bail has been filed by the petitioner under
Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite
details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	120/2025
2.	Date of lodging FIR	01.10.2025
3.	Concerned Police Station	Kalyanpur (Udaipur)
4.	District	Udaipur
5.	Offences alleged in the FIR	Section 137 (2) of BNS, 2023
6.	Offences added, if any	Section 64(1), 61(2) (a), 127(2) and 3(5) of BNS, 2023 and Sections 3, 4, 16 and 17 of the POCSO Act

2. Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in the case and false allegations have

been levelled against him. The FIR was lodged by the mother of the victim alleging that her daughter was missing and some unknown person had abducted her. After investigation, the petitioner and the co-accused - Rakesh, were arrested. The statement of the victim under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was recorded, wherein she stated that she had received a call from one Sanjay, who had been in contact with her for the last three months. She further stated that when she was asked to come outside her house. Two men came on a motorcycle to pick her up. She went out and without verifying whether it was Sanjay, she went away with them on the motorcycle. Thereafter, they took her to a kachcha house near Khandi Obri where Vipin committed sexual assault on her.

2.1 Subsequently, her statement under Section 183 BNSS was recorded, wherein she stated that she had received a message on Instagram from one Vipin. When Vipin asked her to meet him, she went on a motorcycle with him. She further stated that Vipin took her to his aunt's house and committed rape on her. Thereafter, Vipin dropped her near her house and then her brother took her home.

2.2 It is further submitted that the statement of the victim was also recorded before the Court and she was subjected to an identification parade in which the present petitioner and Rakesh were present, however, she was not able to identify either of them.

2.3 Learned counsel for the petitioner further submits that the petitioner is about 19 years of age, whereas the victim is aged about 16 years and two months. Considering the adolescent age

of the petitioner so also the petitioner is in judicial custody since 08.10.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application and submits that the prosecutrix has specifically alleged the commission of penetrative sexual assault in her statements recorded under Sections 180 and 183 of the BNSS, as well as in her statement recorded before the Court. Though she did not identify the present petitioner in the test identification parade, in view of her affirmative statement alleging sexual assault against the present petitioner, he is not entitled to be enlarged on bail.

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

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers more particularly the statements recorded under Section 180 of the BNSS wherein the prosecutrix stated that she received a message from Sanjay and subsequently in her statement under Section 183 of the BNSS, she stated that she received a message from Vipin; further considering the fact that she was not able to identify the present petitioner in the test identification parade as well as keeping in view the adolescent age of the petitioner, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court

is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Vipin S/o Shri Maganlal** shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. 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.

(SUNIL BENIWAL),J

6-Ashutosh/-