

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 3101/2025

Shaukeen Son Of Subesingh, Aged About 35 Years, Address
Chandbass, Chirkhana Police Station Sadar, District Alwar
Rajasthan.

At Present Confined In Jail Alwar

----Appellant

Versus

The State Of Rajasthan, Through P.P.

----Respondent

For Appellant(s)	:	Mr. Satyendra Singh Tanwar, Adv. Mr. Ritu Raj Singh, Adv. Mr. Sabir Ali, Adv.
For Respondent(s)	:	Mr. Vivek Chaudhary, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

25/05/2026

1. The criminal appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter to be referred as 'the SC/ST Act') has been filed on behalf of the appellant being aggrieved with the order dated 13.10.2025 passed by the learned District Judge S.C./S.T. (Prevention of Atrocities Cases), Alwar (hereinafter to be referred as 'trial court') whereby the learned trial court has dismissed the bail application filed on behalf of the appellant.

2. The appellant has been arrested in FIR No.165/2025, registered at Police Station Vijay Mandir, District Alwar for the offence(s) punishable under Sections 115(2), 126(2), 109(1) of BNS and Section 3(2)(v) and 3(2)(va) of SC/ST Act.

3. It is contended by learned counsel for the appellant that the appellant has falsely been implicated in this case. It is also contended that the FIR was lodged on 06.09.2025 stating the fact that the victim left the house on 05.09.2025 for getting herself checked in the Government Hospital, however, she did not return. It is further contended that in the FIR, it is also mentioned that the complainant tried to trace out the victim and received a call from the Police that the victim was found unconscious on the road and was admitted to the Hospital. It is argued that the victim was examined under Section 180 of BNSS on 07.09.2025, wherein, she stated that no sexual offence was committed with her. It is also stated in the statement that she was forcibly taken by the present appellant and on the way to Vijay Mandir, she was beaten by the appellant, however, in the statement rendered under Section 183 of BNSS, the victim has entirely changed the prosecution story and stated that she went with the accused-appellant to her sister's house and her real sister Lalita gave her some cold drink and she felt unconscious. It is further stated that Lalita and Saukeen were present in the room and Lalita took her jewellery articles. It is further contended that the recovery of ornaments was effected from 20 meters away from the place of occurrence as alleged in the FIR. It is further contended that the appellant is in custody since 07.09.2025 and the trial of the case may take considerable time and the victim is also not turning up before the Court for her deposition from the last 10 dates, therefore, the appeal of the accused-appellant may be allowed.

4. Learned Public Prosecutor has vehemently opposed the prayer made on behalf of the appellant.

5. No one has turned up on behalf of respondent No.2 despite due service.
6. Heard and perused the material available on record.
7. It is not desirable to express anything on the merits of the case. Considering the arguments made by learned counsel for the appellant and more particularly to the fact that in the statement rendered under Section 180 of BNSS the victim has denied any commission of sexual offence with her and later on she has changed her version in statement rendered under Section 183 of BNSS and stated that she was raped, this Court deems it proper to allow the appeal filed by the accused-appellant under Section 14-A of SC/ST Act.
8. Accordingly, the criminal appeal filed under Section 14-A of SC/ST Act is allowed and order dated 13.10.2025 passed by the learned District Judge S.C./S.T. (Prevention of Atrocities Cases), Alwar is set aside. It is directed that appellant- **Shaukeen Son Of Subesingh**, shall be released on bail in connection with FIR No.165/2025, registered at Police Station Vijay Mandir, District Alwar, provided he executes a personal bond in a 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.

(PRAVEER BHATNAGAR),J