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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

ORDER

IN

S. B. Cr. Mi sc. Bail Application No. 406/2012

Babloo Vs. The State of Rajasthan  
through Public Prosecutor

Date of Order ::: 31.01.2012

Hon'ble Mr. Justice Mohammad Rafiq

Shri S.S. Oia, counsel for petitioner  
Shri Amit Punia, Public Prosecutor

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By the Court: -

Heard learned counsel for petitioner as well as learned Public Prosecutor and perused material made available to me during course of arguments.

Contention of learned counsel for petitioner is that prosecutrix Kiran @ Navita accompanied the petitioner out of her free will, which is evident from her initial statement recorded by the police under Section 161 Cr.P.C. Subsequently, when she went to her parents and stayed with them for four days and thereafter statement under Section 164 Cr.P.C. was recorded wherein she has alleged the rape. Age of the prosecutrix, according to the medical report which is part of the challan papers, is in between 16-17 years. Thus, the matter would come out of purview of clause sixthly of Section 375 IPC. Challan has been filed. Petitioner is in jail from 28.08.2011. Trial may take a long. There is no chance of fleeing the petitioner from justice.

Learned Public Prosecutor opposed the bail application.

After considering all the facts and circumstances of the case and without expressing any opinion on its merits, I deem it just and proper to allow this bail application. It is therefore ordered that accused-petitioner, namely,

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Babloo S/o Chetram, R/o Village Shahpur, Tehsil Bansur, District Alwar (presently confined in Sub-Jail Behror) be released on bail under Section 439 Cr.P.C., in FIR No.290/2011, Police Station Bansur, District Alwar, under Sections 363, 366 and 376 IPC, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25000/- each to the satisfaction of the trial court for his appearance on all subsequent dates of hearing and as and when called upon to do so.

The bail application stands disposed of.

**(Mohammad Rafiq) J.**

//Jaiman//

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Giriraj Prasad Jaiman  
PS-cum-JW