

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

ORDER

**S.B. CR. MISC. BAIL APPLICATION NO. 4436/2014
(NAGENDRA SINGH VS. STATE OF RAJASTHAN)**

Date of Order : : 21.05.2014

HON'BLE MS.JUSTICE NIRMALJIT KAUR

Mr. B.S. Sandhu, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor, for the State.
Mr. DLR Vyas, for the complainant.

The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No. 138/2012, Police Station Jai Narayan Vyas Colony, Bikaner for the offences under Sections 366, 376, 385 read with Section 34 IPC and Section 3/6 of the Indecent Representation of Women Prohibition Act, 1986.

Learned counsel for the complainant while opposing the bail application submitted that the present petitioner is member of a gang and three other cases are pending against him.

However, learned counsel for the petitioner while praying for bail submitted that there is no allegation of rape against the present petitioner. The prosecutrix had

accompanied the main accused Bhagwan Singh from Dungarpur to Jaipur, Jaipur to Agra, and Agra to Jaipur and she had been staying in various hotels with the main accused by showing her identity card and entry was also made in the register as the wife of Bhagwan Singh. It is further stated that the present petitioner was simply a driver and accompanied the main accused.

There is no allegation of Section 376 against the present petitioner and the fact that challan has already been filed, this Court deems it just and proper to release the petitioner on bail.

Accordingly, the bail application under Section 439 Cr.P.C. is allowed and it is ordered that the accused-petitioner Nagendra Singh s/o Deewan Singh shall be enlarged 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.

(NIRMALJIT KAUR), J.