

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

S.B. Criminal Miscellaneous Bail Application No. 3896/2020

Devendra Soni S/o Bhanwar Lal Soni, Aged About 30 Years, By Caste Soni, R/o Gayatri Nagar, Thoriyo Ki Dhani, Chopasni Housing Board, Jodhpur. (In Judicial Custody At Central Jail, Jodhpur).

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s)	:	Mr.J.S.Choudhary Sr.Advocate assisted by Mr.Pradeep Choudhary, through VC
For Respondent(s)	:	Mr.Farzand Ali, G.A. cum. A.A.G. through VC

HON'BLE MR. JUSTICE SANDEEP MEHTA

Order

29/04/2020

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in relation to F.I.R. No.40/2020, Police Station Chopasani Housing Board, District Jodhpur, for the offences under Sections 384, 3762)(N) I.P.C.

Heard learned counsel Shri J.S.Choudhary Sr.Counsel assisted by Shri Pradeep Choudhary representing the petitioner and Shri Farzand Ali, learned G.A. cum A.A.G. through Video Conferencing. Perused the material available on record.

Shri Choudhary urges that the entire case putforth by the prosecutrix Mst.J in the F.I.R. is false and fabricated. The prosecutrix is a major married woman, who was involved in a

matrimonial strife with her husband. She developed a love affair with the present petitioner. Voluntarily physical relations were established between the complainant prosecutrix and the petitioner for about last five years. The petitioner gave huge sums of money and gold ornaments to the complainant, who tried to blackmail and extract money whereupon, the petitioner was compelled to file an F.I.R. (bearing F.I.R. No.439/2019, Police Station Chopasani Housing Board, Jodhpur) against Mst.J in the month of December 2019. Mst.J was arrested in connection with the said F.I.R. and was released on bail by this Court vide order dated 7.1.2020. Five days after being released on bail in the said case, the prosecutrix filed the present F.I.R. against the petitioner through a complaint. Shri Choudhary urges that the alleged incident of rape is said to have taken place in the year 2016. Admittedly, in the interregnum, a number of commercial transactions took place between the complainant and the present petitioner. Thus, as per Shri Choudhary, the entire case is false and fabricated and the petitioner deserves to be granted indulgence of bail during pendency of investigation and trial.

Shri Farzand Ali, learned G.A. cum A.A.G. opposed the submissions advanced by the petitioner's counsel. However, he too is not in a position to dispute the fact that the complainant Mst.J was arrested in connection with the F.I.R. No.439/2019, P.S. C.H.B. Jodhpur filed by the petitioner, wherein charge-sheet has been filed against her with the allegations of blackmailing and misappropriating significant amount and ornaments of the petitioner. The present F.I.R. in which the petitioner has been arrested, has been lodged after significant delay. The complainant

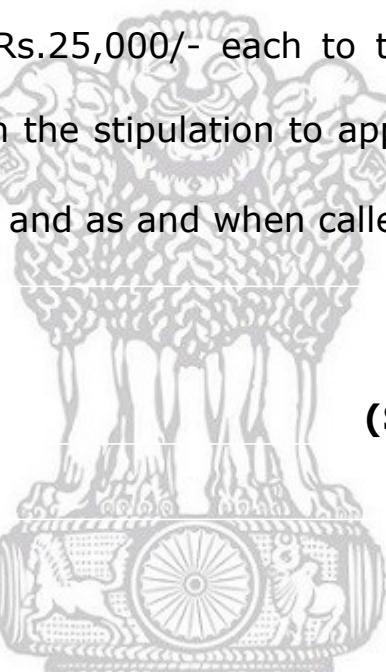
is a major married woman. The petitioner is in judicial custody. Investigation and trial are likely to consume time.

In this background, I am of the opinion that the petitioner has available to him strong grounds so as to contend that the case against him is false and fabricated and hence, he deserves to be enlarged on bail.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner namely Devendra Soni S/o Bhanwar Lal arrested in connection with F.I.R. No.40/2020, Police Station Chopasani Housing Board, District Jodhpur shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

(SANDEEP MEHTA),J

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