

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 14781/2021

Pappu Meena S/o Ram Gopal @ Gopal Meena, R/o Aamwali Dhani Vill. Daulatpura Ps Lalsot Dist. Dausa Raj. At Present The Accused Is Confined In Jail Jaipur

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Ayush Gupta

For Respondent(s) : Mr. Riyasat Ali, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

30/09/2021

In the wake of second surge in the COVID-19 cases, abundant caution is being maintained, while hearing the matters in Court, for the safety of all concerned.

This Court perused the material available on record.

The petitioner has been arrested in connection with FIR No.271/2021 of Police Station Chaksu, District Jaipur for the offences punishable under Sections 376 & 376(2)(n) of IPC and Sections 67a & 67b of IT Act and Sections 3, 4, 5I/6, 13(a) of POCSO Act. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner submits that for an offence committed when prosecutrix was 16 years of age, an FIR has been lodged in the year 2021 when she has turned 19 years of age. Learned counsel for the petitioner further submits that prosecutrix

has tried to retrospectively invoke POCSO Act for the purpose of creating criminal liability against the present petitioner. The prolonged allegation of 2016, has been reported in 2021, which as per learned counsel for the petitioner is practically not possible.

Learned Public Prosecutor opposed the bail application.

This Court looking into the fact that the prosecutrix is major lady and making allegation spanning five years, which includes her being minor, does not induce of confidence of this Court for continuing with custody of present petitioner at this stage.

Having regard to the totality of the facts and circumstances of the case as also the fact that conclusion of the proceedings is likely to take some time and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner **Pappu Meena S/o Ram Gopal @ Gopal Meena** shall be released on bail in connection with FIR No.271/2021 of Police Station Chaksu, District Jaipur 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.

(DR.PUSHPENDRA SINGH BHATI),J