

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

S.B. Criminal Miscellaneous Bail Application No. 7100/2022

Prakash S/o Nanalal, Age About 22 Years, R/o Obra Dhamni, P.S. Jhadol, Tehsil Jhadol (F), District Udaipur (Raj.) (Presently Lodged At Central Jail, Udaipur)

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 7102/2022

Bheru Lal S/o Hakraji, Age About 22 Years, R/o Obra, P.S. Jhadol, District Udaipur (Raj.) (Presently Lodged At Central Jail, Udaipur)

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Bharat Shrimali
For Respondent(s)	:	Mr. Mahipal Bishnoi, PP

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
(VACATION JUDGE)**

Order

31/05/2022

This Court perused the material available on record.

The petitioners have been arrested in connection with FIR No.27/2022 of Police Station Jhadol, District Udaipur for the offences punishable under Sections 376, 366, 376D, 109, 394 read with Section 34 of IPC. They have preferred these bail applications under Section 439 Cr.P.C.

Learned counsel for the petitioners submits that the FIR was lodged by the prosecutrix, in which, she has levelled allegation of rape against Mohan Lal and Bheru Lal, while stating that prior to committing rape, she was taken away by them forcibly. Learned counsel further submits that the name of Prakash is nowhere mentioned in the FIR. Learned counsel also submits that in the statement under Section 164 Cr.P.C. rendered by the prosecutrix, the complete allegation remained against Mohan Lal, but name of Bheru Lal was not there in the statement whereas name of Prakash has been included.

Learned Public Prosecutor opposed the bail application.

Looking into the fact that the consistent part of the allegation is upon Mohan Lal whereas the same as against Prakash and Bheru Lal, has wavered immensely, this Court is of the opinion that at this stage, the custody of the petitioners in this case is not warranted.

Thus, 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 petitioners under Section 439 Cr.P.C.

Accordingly, these bail applications filed under Section 439 Cr.P.C. is allowed and it is directed that petitioners **(1) Prakash S/o Nanalal** and **(2) Bheru Lal S/o Hakraji**, shall be released on bail in connection with FIR No.27/2022 of Police Station Jhadol, District Udaipur provided each of them execute 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 their 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), VJ

72-Zeeshan/Amit

RAJASTHAN HIGH COURT



सत्यमेव जयते