

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

**S.B. Criminal Miscellaneous Bail Application No.  
11254/2023**

Kanhaiya S/o Bijendra Singh, Aged About 26 Years, R/o Village Kotpura, Police Station Maniya, District Dholpur, Presently Malad Vest Maloni Church, Ratodi, Mumbai, Maharashtra. (Presently Confined At District Jail Dholpur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

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For Petitioner(s) : Mr. Dinesh Kumar Garg

For Respondent(s) : Mr. Neeraj Sharma,  
Mr. Chandragupt Chopra, PP

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**HON'BLE MR. JUSTICE SUDESH BANSAL**

**Order**

**30/11/2023**

1. The instant bail application has been filed by petitioner under Section 439 Cr.P.C. in connection with FIR No.107/2023 registered at Police Station Mahila Thana Dholpur, District Dholpur for offences under Sections 363, 366A, 376 of IPC and Section 5(L)/6 of the POCSO Act.
2. Counsel for petitioner submits that petitioner has falsely been implicated in the present case; the prosecutrix is a major girl and falls in relationship of petitioner and the brother of petitioner namely Jitendra was also implicated in the present case; charge sheet has been filed and petitioner is in custody since 06.06.2023 and Jitendra has already been released on bail by the

sessions Court, therefore, in totality of facts and circumstances, petitioner be released on bail.

3. Learned Public Prosecutor has opposed the bail application. However, learned counsel for complainant does not oppose the bail application and has not disputed the contentions made by the counsel for petitioner.

4. Heard learned counsel for the petitioner, counsel for complainant as well as learned public prosecutor and perused the material available on record.

5. Having considered the statements of prosecutrix, who stated her age of about  $16^{1/2}$  years and to go with petitioner in marriage, being her sister in relationship, as also the fact that charge sheet has already been filed and the complainant has no objection to grant the benefit of bail to petitioner, but without commenting on merits of the case, this Court deems it just and proper to release the petitioner on bail.

6. Accordingly, the bail application is allowed and it is ordered that the accused-petitioner **Kanhaiya S/o Bijendra Singh** shall be released 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.

**(SUDESH BANSAL),J**