

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



S.B. Criminal Miscellaneous Bail Application No. 7008/2023

1. Sanwariya @ Sanwra S/o Kanhiyalal, Aged About 18 Years And 6 Months R/o Naya Bhadurpura Thana Hindoli, District Bundi (Raj.) (At Present Confined In J.c. Distt Bundi)
2. Puroshottam @ Prithviraj S/o Kalu Lal, Aged About 22 Years, R/o Naya Bhadurpura Thana Hindoli, District Bundi (Raj.) (At Present Confined In J.C. Distt Bundi)

----Petitioners

Versus

1. The State of Rajasthan, Through Public Prosecutor
2. Indera Bai W/o Motilal R/o Village Naya Bahadur Pura, Hindoli, Bundi (Raj.)

----Respondents

For Petitioner(s) : Ms. Harshita Sharma, Adv.

For Respondent(s) : Mr. Chandragupt Chopra-PP

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

29/02/2024

1. This bail application under Section 439 Cr.P.C. has been filed by the petitioners in connection with FIR No.534/2022 registered at Police Station Hindoli, District Bundi wherein they are charged for offences punishable under Sections 376(D) and 306 of IPC (later on, they are charged for offences punishable under Sections 376(D) and 306 of IPC and Section 5(G)/6 POCSO Act, 2012).
2. Learned counsel for the petitioners submits that as per the allegations levelled against the petitioners, they committed rape with the victim who committed suicide thereafter. Counsel submits that there is no eye-witness of the alleged incident and as per the

version of the complainant, Nandu Bai informed her about the incident. Counsel submits that Nandu Bai has not supported the version of prosecution and she has turned hostile. Counsel submits that the Forensic Science Laboratory report is not corroborated the allegations of rape levelled against the petitioners. Counsel submits that looking to the long incarceration of the petitioners, indulgence of bail be granted to the petitioners.

3. Per contra, learned Public Prosecutor opposed the bail application and submitted that not only gang rape was committed with the victim but she also committed suicide by consuming poison after the aforesaid rape committed with her. Counsel submitted that charge-sheet has been submitted against the accused persons for the offences punishable under Section 376 (D) and 306 IPC and after commencement of the trial, it has reached to its final conclusion and the same is at fag end, therefore, the petitioners are not entitled to get indulgence of bail.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. Looking to the allegations levelled against the petitioner and looking to the gravity of the matter and also looking to the fact that the trial has reached to its fag end, this Court is not inclined to grant bail to the petitioners.

6. Hence, the present bail application stands dismissed.

(ANOOP KUMAR DHAND),J