



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

S.B.Criminal Misc. Bail No. 985 / 2017

Sanjay S/o Shri Ramesh Ji, Aged About 28 Years, B/c Meghwal,  
Resident of Udakhera, P.S. Vallabhnagar, Dist.- Udaipur, Presently  
Resides Sevashram, Aashapura Hostle, Udaipur (raj.) (presently  
Lodged in Distt. Jail, Udaipur)

-----Petitioner

Versus

State of Rajasthan

-----Respondent

For Petitioner(s) : Mr.Shambhoo Singh.

For Respondent(s) : Mr.A.S.Rathore, P.P.

**HON'BLE MR. JUSTICE SANDEEP MEHTA**

**Judgment / Order**

**20/03/2017**

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.250/2016, Police Station Vallabhnagar, for the offences under Sections 363, 366, 376D, 343 I.P.C. and Sections 4, 6 and 17 of POCSO Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel Shri Shambhoo Singh urges that the victim Mst.B went missing from her father's house on 10.11.2016. A missing persons report was lodged at the Police Station Vallabhnagar. The girl was discovered on 13.12.2016 and her statement was recorded by the Investigating Officer wherein, she alleged that her parents wanted to marry her off against her



wishes and therefore, she went away from her father's home without informing anybody. She did not level any kind of allegation against the petitioner in the said statement. She was initially sent to the Nari Niketan. The F.I.R. was also lodged on 13.12.2016 and the subsequent statement of the girl was recorded on 23.12.2016 in which she alleged that she was kidnapped by the co-accused Roshan Meghwal (the petitioner's brother) and Smt.Lali Bai and was taken away on a motorcycle. Initially Roshan Meghwal subjected her to forcible intercourse. Three days later, the petitioner and Roshan took her to Udaipur where both of them ravished her. Later on, the accused got executed documents of marriage of the victim with Roshan. Shri Shambhoo Singh urges that ex-facie, the subsequent statement of the girl is unbelievable. When the first statement was recorded on 13.12.2016, the girl was free from any influence, threat etc. and thus, the subsequent statements cannot be believed and the petitioner deserves to be released on bail.

Learned Public Prosecutor vehemently opposes the submissions advanced by the petitioner's counsel. However, he too does not dispute the fact that in the initial statement of the girl recorded on 13.12.2016, there is no allegation whatsoever against the present petitioner.

In this view of the matter and having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar, this Court is of the opinion that the petitioner deserves to be released on bail.



Consequently, the bail application is allowed. It is ordered that the accused-petitioner namely Sanjay arrested in connection with F.I.R. No.250/2016, Police Station Vallabhnagar 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.

/tarun goyal/  
Sr.P.A



सत्यमेव जयते