

ITEM NO.23

Court 4 (VC)

SECTION II

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (Crl.) No.3399/2020**

**(Arising out of impugned final judgment and order dated 29-06-2020 in SBCRMSBA No. 3069/2020 passed by the High Court of Judicature for Rajasthan at Jaipur)**

**MOHAN BAIRWA**

**Petitioner(s)**

**VERSUS**

**THE STATE OF RAJASTHAN**

**Respondent(s)**

**(FOR ADMISSION and I.R. and IA No.68412/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.68413/2020-EXEMPTION FROM FILING O.T. and IA No.68415/2020-EXEMPTION FROM FILING AFFIDAVIT )**

**Date : 28-08-2020 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MR. JUSTICE K.M. JOSEPH**

**For Petitioner(s)**

**Mr. Somanatha Padhan, AOR**

**For Respondent(s)**

**Dr. Manish Singhvi, Sr. Adv.**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 An FIR bearing Crime No 168/2019 has been registered against the petitioner at Police Station Mehandvas, District Tonk, for offences punishable under Section 376 D of the Indian Penal Code and Sections 3(1)(W) and 3(2)(V)(va) of the SC/ST Act.

- 2 On 5 February 2020, the High Court disposed of SB Criminal Miscellaneous Bail Application No 1422/2020 in terms of the following order:

“The Ld. Counsel for the applicant has stated that he does not press the application under Section 439 Cr.P.C. He has stated that after the recording of the statement of the prosecutrix, he be permitted to file fresh application for bail. On behalf of the accused/applicant, this application has been filed for bail is dismissed as not pressed. The statement of the prosecutrix after being recorded, the applicant shall be at liberty to file a fresh bail application.”

- 3 Notice has been issued by this Court, in pursuance of which, Dr Manish Singhvi, learned senior counsel has appeared on behalf of the State of Rajasthan.
- 4 We are of the view that the ends of justice would be met if a direction is issued to the trial court to ensure that the statement of the prosecutrix is recorded within a period of one month from today. It is ordered accordingly.
- 5 The petitioner would be at liberty to renew the application for bail after the statement of the prosecutrix is recorded.
- 6 The order shall be communicated to the Special Judge, SC/ST (PA) Act Cases, Rajasthan.
- 7 The Special Leave Petition is accordingly disposed of.
- 8 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**AR-cum-PS**

**(SAROJ KUMARI GAUR)**  
**BRANCH OFFICER**