## HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 3560/2021

Gaurav Aacharya S/o Suresh Aacharya, Aged About 22 Years, By Caste Brahmin, R/o Near Hanuman Ji Mandir, Railway Crossing, Chokhunti, Bikaner, District Bikaner. (Presently Lodged At Central Jail Bikaner).

----Petitioner

Versus

State, Through P.p.

----Respondent

For Petitioner(s) : Mr. Nishank Madhan

For Respondent(s) : Mr. Shrawan Bishnoi, P.P.

## HON'BLE MR. JUSTICE VIJAY BISHNOI

## <u>Order</u>

## **25/03/2021**

Heard learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material on record.

The petitioner has been arrested in FIR No.394/2020 of Police Station Sadar, District Bikaner for the offences punishable under Sections 376, 354 and 506 of IPC. He has preferred this bail application under Section 439 Cr.P.C.

Learned counsel for the petitioner has submitted that allegation against the petitioner of sexual assault is absolutely false. It is argued that the petitioner is known to the prosecutrix since long time, however later on, when husband of the prosecutrix came to know about the same, the prosecutrix has lodged this false complaint against the petitioner. It is further

submitted that charge-sheet has been filed and trial of the case will take time.

Learned Public Prosecutor has opposed the bail application.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Gaurav Aacharya S/o Suresh Aacharya shall be released on bail in connection with FIR No.394/2020 of Police Station Sadar, District Bikaner provided he executes 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 his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VIJAY BISHNOI),J

32-Taruna/-