## HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 17222/2022

Rakesh Kumar Meena S/o Shri Kanaram, Aged About 20 Years, R/o Chhoti Bilod, P.s. Raisar, District Jaipur (Raj.) (Accused Confined In Central Jail Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Ramanuj Sharma

For Respondent(s) : Mr. S.S. Mahla, PP

## HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI Order

## 30/01/2023

The instant bail application has been filed under Section 439 Cr.P.C. on behalf of accused-petitioner- Rakesh Kumar Meena S/o Shri Kanaram, against the impugned order dated 04.11.2022 passed by learned Court below for the offence under Sections 363, 366-A & 376 IPC, Sections 3/4 & 16/17 of the POCSO Act, Section 84 of the Juvenile Justice Act and Section 67B of the Information Technology Act in FIR No. 337/2022 registered at Police Station Chandwaji, District Jaipur Rural.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The accused-petitioner has nothing to do with the alleged offence. He is behind the bars since long time. Till disposal of the case, his further incarceration would not serve any fruitful purpose. Therefore, the bail application deserves to be allowed.

Learned Public Prosecutor has vehemently opposed the bail application.

Heard learned counsel for the parties and perused the entire material available on record more particularly the statement of the prosecutrix recorded under Sections 161 & 164 Cr.P.C. In the statement recorded under Section 164 Cr.P.C., direct allegation of rape is levelled against the present accused-petitioner. Thus, looking to the age of the prosecutrix i.e. 14 years and other facts and circumstances of the case, this Court is not inclined to allow the present bail application filed on behalf of the accused-petitioner.

Therefore, the bail application is dismissed.

(VINOD KUMAR BHARWANI),J

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