HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13582/2022

Bhoma Ram S/o Lumba Ram, Aged About 47 Years, R/o Shiv Nagari, P.s. Kalyanpur, Dist. Barmer. (At Present Lodged In Dist. Jail Balotra).

----Petitioner

Versus

- 1. State Of Rajasthan, Through Pp
- 2. Ramu Ram S/o Deva Ram, R/o Shiv Nagari, Tehsil Pachpadra, Police Station Kalyanpur, District Barmer.

----Respondent

For Petitioner(s) : Mr. Jamwant Gurjar

For Respondent(s) : Mr. Mukesh Trivedi, PP

Mr. J.R. Choudhary, for complainant.

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

<u>Order</u>

18/01/2023

The petitioner has been arrested in connection with FIR No.46/2020 Police Station Kalyanpur, District Barmer for the offence punishable under Sections 384/120-B, 376(3) and 376(DA) of IPC and Sections 5(G)/6 of POCSO Act and Section 67 of the Information Technology Act, 2020. The present second bail application has been filed under Section 439 Cr.P.C. The first bail application was dismissed as not pressed by this Court vide order dated 09.05.2022.

Learned counsel for the petitioner submits that as many as 12 prosecution witnesses were examined before the Court and no specific allegation has been levelled against the present petitioner. It is further submitted that no recovery was made from the possession of the present petitioner. The accused-petitioner is in

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judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-petitioner.

Learned Public Prosecutor and counsel for the complainant have vehemently opposed the bail application filed by the petitioner.

Heard learned counsel for the petitioner as well as learned Public Prosecutor and counsel for the complainant.

I have considered the arguments advanced before me and gone through the material available on record.

The age of the victim was merely 15 years and she specifically mentioned in her statement that the present petitioner alongwith two other co-accused have committed rape with her, so it is a case of gang rape, therefore, no case for grant of bail is made out.

Hence, the present second bail application filed by the petitioner is hereby dismissed. The learned trial court is directed to expedite the trial.

(MANOJ KUMAR GARG),J

89-Ishan/-