



[2024:RJ-JD:25915]

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

S.B. Criminal Appeal (Sb) No. 904/2024

Shrawan Ram S/o Megha Ram, Aged About 27 Years, R/o Achina (Haisab), Police Station Panchodi, Dist. Nagaur. (At Present Lodged In Sub Jail, Merta)

-----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Pappu Devi W/o Dharma Ram, R/o Bhomasar, P.s. Panchodi, Dist. Nagaur.

-----Respondents

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For Appellant(s) : Mr. Prem Sukh Choudhary

For Respondent(s) : Mr. B.R. Bishnoi, PP

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**HON'BLE MR. JUSTICE KULDEEP MATHUR (VACATION  
JUDGE)**

**Order**

**25/06/2024**

Heard learned counsel representing the appellant and learned Public Prosecutor. Perused the material available on record.

This appeal has been preferred on behalf of the appellant under Section 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved by the order dated 23.05.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Merta in Cr. Misc. Case No.86/2024 rejecting the bail application preferred on behalf of the appellant who is in custody in connection with FIR No.23/2024, Police Station Panchodi, District Nagaur, for the offences under Sections 354D,



506 & 376(2)(n) of IPC and Sections 3(1)(r), 3(1)(s), 3(w)(2), 3(2)(V) & 3(2)(Va) of the SC/ST Act.

Drawing attention of the Court towards the FIR, learned counsel for the appellant submitted that in the FIR prosecutrix has not levelled any allegation of sexual assault/rape against the present appellant. Learned counsel submitted that even in the statement recorded under Section 161 Cr.P.C., the prosecutrix did not level any allegation of sexual assault against the present appellant. However, only with a view to rope the appellant in a false criminal case of Section 376 IPC, the allegation has been levelled against the appellant of sexual assault by the prosecutrix in her statement under Section 164 Cr.P.C. Learned counsel further submitted that in the statement of prosecutrix under Section 164 Cr.P.C. she stated that she was subjected to sexual assault by the present appellant about 4-5 years prior to the date of lodging the FIR.

Learned counsel further submitted that no plausible explanation for delay in lodging of the present FIR has been given by the prosecutrix. Learned counsel further submitted that as per prosecutrix, she was subjected to sexual assault by the appellant and he threatened her of making her obscene videos and photographs viral. However, no such photographs and videos have been recovered by the Investigating Agency from the appellant.

Lastly, learned counsel submitted that the appellant is in custody and the trial of the case is likely to consume sufficiently long time. On these grounds, he implored the Court to enlarge the appellant on bail.





*Per contra*, learned Public Prosecutor has vehemently opposed the bail application and submitted that looking to the seriousness of allegations levelled against the present petitioner, he does not deserve to be enlarged on bail.

This Court vide order dated 18.06.2024 directed the learned Public Prosecutor to call the case diary. In compliance of order dated 18.06.2024 passed by this Court, learned Public Prosecutor has produced the case diary.

Having considered the rival submissions, facts and circumstances of the case and after perusal of the statements of prosecutrix recorded under Section 164 Cr.P.C., this Court *prima facie* finds that prosecutrix, in her statements, stated that she was subjected to forcible sexual assault/rape about 4-5 years from the date of lodging the FIR. This Court also *prima facie* finds that no plausible explanation has been furnished by the prosecutrix for lodging the FIR after a huge delay of 4-5 years. This Court also *prima facie* finds that the appellant and prosecutrix were in constant touch through mobile phone and more than 980 calls were exchanged between them on different dates. This Court also *prima facie* finds that no obscene videos and photographs have been allegedly used by the appellant for pressurizing the prosecutrix. The prosecution has not shown any apprehension of the appellant influencing the prosecutrix or fleeing from justice in case he is enlarged on bail. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appellant is entitled to be released on bail.

Consequently, the appeal is allowed. The order dated 23.05.2024 passed by learned Special Judge, SC/ST (Prevention



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[CRLAS-904/2024]

of Atrocity) Cases, Merta is set aside. It is ordered that the accused-appellant **Shrawan Ram S/o Megha Ram** arrested in connection with FIR No.23/2024, Police Station Panchodi, District Nagaur shall be released on bail during pendency of the trial; provided he furnishes 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.



**(KULDEEP MATHUR (VACATION JUDGE)),J**

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