



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

S.B. Criminal Miscellaneous 2nd Bail Application No. 11394/2023
Lovejeet Singh Alias Labhu S/o Shri Meetha Singh, Aged About
25 Years, R/o 4 V Ps Keserisinghpur Dist. Sri Ganganagar Raj. At
Present Lodged At Central Jail Sri Ganganagar

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Koshlendra Vallabh Vyas.
For Respondent(s) : Mr. Salim Khan, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/09/2023

This second application for bail under Section 439 Cr.P.C. has been filed by the petitioner who has been arrested in connection with F.I.R. No.232/2022 registered at Police Station Kesarisinghpur, District Sri Ganganagar, for offence under Section 376D of the IPC.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Drawing attention of the Court towards the statements of prosecutrix dated 27.07.2023, recorded before competent criminal court as PW-1, learned counsel submitted that as per prosecutrix, she was forcibly taken away by the present petitioner and co-accused



Binda Singh to the house of present petitioner where she was subjected to sexual assault-rape by the present petitioner whereas co-accused Binda Singh guarded the room in which alleged offence was committed.

Learned counsel submitted that the prosecutrix (PW-1) in her cross examination, admitted that the house of the prosecutrix is just opposite to the house of present petitioner and at the time when alleged crime was committed in the house of prosecutrix, more than thirty persons had gathered at her house. Learned counsel submitted that it is highly improbable that had the prosecutrix cried or shouted, her voice would not have been heard by anyone.

Learned counsel also submitted that there is contradiction in the statements of the prosecutrix with regard to time of the alleged incident as in her chief examination, she stated alleged incident happened in the evening about 6-6:30 pm, whereas in cross-examination, she has stated that at 6 pm, she was washing clothes and from 6:15pm to 7:30pm, she was at her home.

It was further submitted that as a matter of fact, the relations between the families of the petitioner and the prosecutrix are strained, owing to some old animosity, which has been admitted by the prosecutrix (PW-1) during her cross examination. Learned counsel submitted that owing to above, the petitioner has been falsely roped in a criminal case.

Lastly, it was submitted that the petitioner who is aged about 25 years is in judicial custody since 13.12.2022; the trial of the



case is likely to consume sufficiently long time. On these grounds, he implored the Court to enlarge the petitioner on bail.

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

Having considered the rival submissions, facts and circumstances of the case and perused the FIR and the statements of the prosecutrix recorded before competent criminal court as PW-1, this Court *prima facie* finds that the prosecutrix has maintained the allegation of sexual assault against the present petitioner in her statements recorded under Section 164 CrPC and before competent criminal court.

As far as argument raised by learned counsel for the petitioner with regard to contradictions in the statements of prosecutrix regarding timing of the incident and her cries/shouts not being heard by the people who had gathered at her house, which is situated opposite to the house of the petitioner, suffice it to observe that contradictions and variations in the statements of the prosecutrix cannot be examined microscopically at the stage of bail, so as to disbelieve her version about she being subjected to sexual assault-rape.

However, keeping in view the fact that the petitioner who is aged about 25 years, is in incarceration since 13.12.2022, it is expected from the competent criminal court that the trial against the present petitioner shall be concluded at the earliest and no unnecessary adjournments shall be granted.



With the above observations, the present bail application is dismissed.

(KULDEEP MATHUR),J

tarun goyal/-

