



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



S.B. Criminal Miscellaneous Bail Application No. 1026/2026

Anil Kumar S/o Parbhuram, Aged About 22 Years, Resident Of Ward No. 05, Kishanapura Dikhanada, Police Station Hanumangarh Town, Tehsil And District Hanumangarh Raj.. (At Present Lodged In District Jail Hanumangarh)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor Hanumangarh.

----Respondent

For Petitioner(s) : Mr. Anil Bidan
For Respondent(s) : Mr. Hathi Singh Jodha, P.P.

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

02/04/2026

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 483 B.N.S.S. at the instance of accused-applicant. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	0788/2025
2.	Concerned Police Station	Hanumangarh Town
3.	District	Hanumangarh
4.	Offences alleged in the FIR	137(2) of BNS, 2023
5.	Offences added, if any	87, 64(1), 64(2)M of BNS and Section 3/4, 5(L)/6 of POCSO Act.
6.	Date of passing of impugned order	09.01.2026

2. The present case involves offences punishable under the POCSO Act. Learned Public Prosecutor has submitted a factual





report dated 04.02.2026 and has stated that service upon the complainant-Ram Kumar, with respect to the present bail application, stands duly effected. The factual report is taken on record.

3. Learned counsel for the applicant submits that allegations levelled against the applicant are false and concocted. Learned counsel also submits that accused Anil Kumar was in continuous contact with victim 'A' and was having love affair. It is stated that although the applicant and victim 'A' wished to marry, but the said relation was not acceptable to her parents and therefore, the present FIR was lodged.

4. Learned counsel for the applicant, while relying upon the statements of victim 'A' recorded under Section 183 of BNSS, 2023 before the Court of Gram Nyayalaya, Hanumangarh, wherein the victim has specifically stated that since her family members were trying to marry victim 'A' with some other person, she herself called the applicant and went along with him from Hanumangarh to Sangaria and then to Ambala, where she stayed for 5-6 days and later on came back together to Tibbi, from where the police authorities have taken the victim 'A' to Hanumangarh.

5. Learned counsel also submits that Victim 'A' in her statement has specifically stated that she wished to marry applicant Anil Kumar and does not want to go back to her home. It is further contended that immediately after attaining the age of maturity of 18 years, victim 'A' has filed SB Criminal Writ Petition No.730/2026 before this Court seeking protection from complainant father Ramkumar and other family members and





Coordinate Bench of this Court vide order dated 23.02.2026 has granted protection to the victim 'A'. It is contended that even at present, victim 'A' is residing with the family of applicant-accused. It is thus contended that relationship between the petitioner and victim 'A' was consensual and they are ready to marry each other as victim 'A' has already attained the age of maturity and can marry on her own free will.

6. Per contra, learned public prosecutor has vehemently opposed the bail application and submitted that at the time of incident, the victim 'A' was minor and even if she in her statement recorded under Section 183 of BNSS, 2023, has conveyed her consent, but that alone is of no use.

7. Learned Public Prosecutor also submits that applicant has manipulated the victim 'A', looking to her tender age and the offence punishable under the provisions of POCSO Act is clearly made out against the applicant.

8. Heard learned counsel for the parties and perused the material available on record.

9. It is clearly borne out on record that the complaint in question has registered on 12.12.2025, stating therein that the accused-applicant has taken the victim 'A' from the applicant on 11.11.2025. At the time of recording of the statement under Section 183 of BNSS, i.e. on 24.12.2025, age of victim 'A' was 17 years, 11 months and 26 days i.e. only four days short of her age of attaining majority of 18 years.

10. It is apparent on record that at the time of alleged incident, victim 'A' was at the verge of attaining the age of maturity, thus





her level of understanding as a mature/major girl can very well be presumed. Even when she was brought before the learned court below, she specifically stated that she went with accused applicant on her free will and whatever happened during her stay was with her consent.

11. This Court is also persuaded by the fact that immediately after attaining maturity, victim 'A' has filed an application seeking protection from the complainant and her family members and the same was granted by the Coordinate bench of this Court vide order dated 23rd February 2026. The fact that after said protection order, she was continuously residing in the accused-applicant's house is also not disputed.

12. During the course of statements, it is clearly stated by her that she wished to marry accused applicant, but the family members were trying to forcefully marry victim 'A' to some other person. Looking to the overall facts and circumstances of the case, it is apparently clear that FIR in question has been lodged only because the family members of victim 'A' have not accepted the relationship of victim 'A' and present accused-applicant, and wish to marry the girl against her free will.

13. Since the victim 'A' herself, who was near the age of maturity, has not stated anything against the accused-applicant and now after attaining age of majority, she is presently residing at applicant's house on her free will, this court is of the opinion that benefit of bail deserves to be extended to the applicant-accused.

14. Having regard to the totality of facts and circumstances of the case and considering the fact that challan has already been





filed; conclusion of the trial is going to take considerable time, coupled with the fact that accused-applicant is in custody since 25.12.2025 and no useful purpose would be served by his continued incarceration, without expressing any opinion on the merits/demerits of the case, I deem it just and proper to grant bail to the accused-applicant.

15. Consequently, the bail application filed under Section 483 BNSS, 2023 is allowed. The accused-applicant **Anil Kumar S/o Shri Prabhuram** arrested in connection with FIR No.0788/2025, Police Station Hanumangarh Town, District Hanumangarh shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

16. Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

17. Needless to mention that the above observations made by this Court are only prima-facie observations for the purpose of disposal of present bail application and the same shall however, not come in the way of the trial Court to take independent view of the matter, based on ocular and oral evidence, while finally deciding the case.

(SANJEET PUROHIT),J

25-A.Arora/-