

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

1. S.B. Criminal Miscellaneous Bail Application No. 12222/2026
CNR: RJHC010922602026 | URN: CRLMB / 26656U / 2026

Sonu Gurjar S/o Mewa Ram Gurjar, Aged About 24 Years,
Resident Of Heera Kheri, Eras, Police Station Shambhugarh
District Bhilwara. (At Present Lodged In District Jail, Beawar.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp



-----Respondents

Connected With

2. S.B. Criminal Miscellaneous Bail Application No. 11834/2026
CNR: RJHC010904152026 | URN: CRLMB / 25738U / 2026

Kalu Ram S/o Amba Lal, Aged About 27 Years, Resident Of
Village Mataji Ka Khera Police Station Shambhugarh District
Bhilwara. (At Present Lodged In District Jail, Beawar)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2.

-----Respondents

For Petitioner(s)	:	Mr. R.S. Choudhary Mr. OP Choudhary for Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Pawan Bhati, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

16/09/2026

**S.B. Criminal Miscellaneous Bail Application No.
12222/2026**

1. Learned Public Prosecutor is directed to ensure that the information with regard to filing of the present application be given to the parents/guardian of the child within a period of one week through the S.H.O. concerned and procure the service report with regard to the same.

2. List the matter after one week.



S.B. Criminal Miscellaneous Bail Application No. 11834/2026

1. Learned Public Prosecutor tenders a copy of notice dated 08.09.2026, wherein it has been recorded that information regarding filing of the present bail application has been conveyed to the parent/guardian of the victim. Strangely, the said notice bears only a signature at the bottom without disclosing the name or particular of the person to whom it belongs. Furthermore, the said notice does not bears any date and time as to when it was received.

2. This Court, vide order dated 14.10.2025 in the case of Sandeep Singh Alias Sonu v. State of Rajasthan, passed in S.B. Criminal Miscellaneous Bail Application No. 11482/2025, had specified the details required to be mentioned and the manner in which service is to be effected, while issuing the following guidelines:

"38. The Court is thus faced with a situation of dichotomy, inasmuch as, on one hand the victim/child, his/her guardian, parents or persons whom child has trust and confidence are not to be impleaded as party respondent and on the other hand, the information about the arrest/filing of the bail applications and other Court proceedings has to be given to them and that too

while maintaining anonymity and not disclosing the identity of the victim or her guardian/parents or of person whom child has trust and confidence. As also considering the right of accused for early hearing of bail applications and the delay caused in deciding the bail applications because of the information to be sent to the victim etc., this Court is of the opinion that guidelines are required to be laid down to balance the right of the accused for immediate hearing of the bail applications as well as the right of the victim/child or her guardian/parents or persons whom child has trust and confidence, about setting the information of filing of the bail applications as also the appointment of counsel and providing legal aid to the victim/child or her guardian/parents or persons whom child has trust and confidence.



39. Faced with such a situation, the Court deems it appropriate to direct as under:-

(i) Immediately on filing of any bail application or any other application under the POCSO Act, the counsel for the appellant/applicant/accused shall serve a copy of the bail application along with the requisite papers to the Public Prosecutor, in advance prior to listing of the case.

(ii) The Public Prosecutor, on the other hand, shall immediately send a copy of the same to the Investigating Officer/S.H.O. (Station House Officer) concerned for sending of an information to her guardian/parents of child/victim or persons whom child has trust and confidence and in case they have engaged a counsel, to the legal counsel concerned, inform the fact about filing of the application. The information to the guardian/parents of victim/child or person in whom child has trust and confidence shall be supplied preferably within a period of two days of the receipt of the information about filing of case by the S.H.O. (Station House Officer)/Investigating Officer concerned.

(iii) As far as possible, the S.H.O. (Station House Officer)/Investigating Officer or any other Officer as directed by him, who affects the service/communicates the information to the guardian/parents of the victim/child or person in whom child has trust and

confidence, shall remain in plain clothes so as to avoid any unwanted attention at the residence of the victim.

(iv) The S.H.O. (Station House Officer) concerned shall also supply one copy of the set of paper book to the District Legal Services Authority or to the RALSA to ensure that in compliance with Sections 39 and 40 of the Act of 2012, the family members of the victim are provided with assistance of a legal counsel and in case they are unable to afford legal counsel, the State Legal Service Authorities shall provides them a lawyer.

(v) The information with regard to the filing of the bail applications or any other application or Court proceedings shall be in writing and the Investigating officer concerned or any person authorized by him shall ensure that the receipt bears the name and signature of the person receiving it as well as the specific date and time of receipt of the same and after effecting service, the details shall immediately be sent to the Public Prosecutor for placing the same on record in the Court file.

(vi) In the event, the service cannot be effected or the guardian/parents of victim/child or person in whom child has trust and confidence cannot be found, a report in this regard shall be made by the concerned Investigating Officer or person authorized by him before submitting the same to the Public Prosecutor.

(vii) The Court concerned shall thereafter ensure that information is sent to the guardian/parents of the victim/child or person in whom child has trust and confidence and thereafter proceed to hear the bail matters and other applications.

(viii) In cases where service could not be effected for the reason that the victim, family members, guardians or informant could not be traced, or in cases where the Courts are deciding the interim bail applications, such contingencies can be decided by the Court on case to case basis to secure ends of justice, after recording the reasons for proceeding with the adjudication, awaiting service of notice upon the family members, guardians of the child, etc.”

3. In spite of the aforementioned detailed guidelines, day in and day out, in cases pertaining to offences under the POCSO Act,



the manner of service continues to be improper, which reflects the lethargic attitude of authorities. Further, the adjudication of bail applications for offences under the POCSO Act is being delayed day in and day out due to non-sending of information to the parents/guardians of the victim, despite the specific direction issued in Sandeep Singh (supra) that immediately upon filing of the bail application, the SHO concerned, on receipt of a copy from the Public Prosecutor, shall send the information to the parents/guardians of the child concerned. Day in and day out, matters are being listed before the Court, and only after issuance of directions by this Court, the requisite information is being sent to the concerned. Further, the Court has observed that due to non service of notice inspite of the specific directions, in a routine manner, time is being sought for effecting service/sending of information. The above facts, in essence, lead to delay in the adjudication of bail applications, and the personal liberty of the accused-applicants is kept in the dock due to the ineffective implementation of the directions issued in Sandeep Singh (supra). Further, the non-representation of anyone on behalf of the victim in many cases reflects that even the copy of the paper book is not being supplied by the SHO concerned to the DSLA or RLSA to ensure assistance of legal counsel to the family members of the victim, as directed in para 39(iv) by this Court in Sandeep Singh (supra).

4. In view of the aforementioned state of affairs, the Director General of Police, Rajasthan, the Principal Secretary, Department of Law and Legal Affairs and the Member Secretary, RALSA are



directed to take note of this fact and ensure issuance of guidelines to all the police stations, Public Prosecutors and other stakeholders through out the State of Rajasthan in consonance with the judgment passed by this Court in the case of *Sandeep Singh Alias Sonu (supra)* at the earliest.

5. Registry shall ensure that a copy of this order along with order dated 14.10.2025 passed in the case of Sandeep Singh Alias Sonu v. State of Rajasthan, S.B. Criminal Miscellaneous Bail Application No. 11482/2025 be sent to the Director General of Police, Rajasthan, Principal Secretary, Department of Law and Legal Affairs and Member Secretary, RALSA for necessary compliance and issuance of appropriate guidelines immediately.

6. In the present case the service has been allegedly effected in the same lethargic manner, and without complying with the directions issued in *Sandeep Singh Alias Sonu (supra)*. Learned Public Prosecutor shall ensure service of a fresh notice in compliance of the order dated 07.09.2026 passed by this Court, strictly in the light of directions issued by this Court in the case of *Sandeep Singh Alias Sonu (supra)*.

7. List the matter after one week.

(SANDEEP SHAH),J