

**Pooranmal Vs. State of Rajasthan**

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**Court :** Rajasthan

**Decided On :** Apr-28-1989

**Reported in :** 1989WLN(UC)355

**Judge :** Farooq Hasan, J.

**Appeal No. :** S.B. Cr. Misc. Bail Application No. 1096 of 1989

**Appellant :** Pooranmal

**Respondent :** State of Rajasthan

**Disposition :** Appeal allowed

**Judgement :**

**Farooq Hasan, J.**

1. Heard and perused papers for the case diary.

2. Mr. Lakhawat contended that this is not a case where it can be said that the penetration was there; and that as per-medical report, the hymen of the girl was intact. In these circumstances, according to Mr. Lakhawat, it cannot be said that the offence of rape has been committed by the accused petitioner.

3. Learned Public Prosecutor on the other hand, opposed this application and contended that in view of the statement of Kumari Setti, it can very well be said

that an attempt was made by the petitioner and thereby the petitioner committed the offence under Section 376/511, IPC.

4. I have considered the points raised by both the learned Counsel; and the report of the medical jurist wherein there is no positive opinion of rape. How ever, without expressing any opinion on the merits of the case, and looking to the facts and circumstances of the case, I am inclined to accept this bail petition The petitioner, is ordered to be released on bail provided he furnishes a personal bond in the sum of Rs. 10,000/- (Ten thousand) together with two sureties each in the sum of Rs. 5000/- to the satisfaction of trial court with the stipulation to appear in that court as and when called upon to do so during the pendency of the trial against him in this case.

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