

Barkat Ali Vs. State

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Court : Rajasthan Jodhpur

Decided On : Dec-19-2012

Appellant : Barkat Ali

Respondent : State

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
ORDER S.B.CRIMINAL MISC. BAIL APPLICATION NO.9393/2012 Barkat Ali. Vs.
State of Raj. Date of order :

19. h December, 2012 HON'BLE MR. JUSTICE SANDEEP MEHTA Mr.PN Mohanani, for the petitioner. Mr.MA Bhurat, P.P. <><><> This bail application under Section 439 Cr.P.C. has been filed by the petitioner in connection with F.I.R. No.220/2012 registered at Police Station, Naya Shahar, Bikaner for the offences under Sections 363, 366, 376 and 509 IPC. Learned counsel for the petitioner contended that at best the offence which can be said to be made out against the petitioner cannot travel beyond Section 354 IPC. He thus prayed that the petitioner deserves to be granted bail. Learned Public Prosecutor on the other hand vehemently opposed the submissions raised on behalf of the petitioner. He submitted that it is a specific case of the prosecution that the petitioner was a teacher in the school of the prosecutrix Mst.R, a small girl aged 13 years, and misusing his position as a teacher, the accused sexually assaulted the prosecutrix and 2 committed rape with her. He submitted that the prosecutrix upon being examined under Section 161 Cr.P.C. has levelled clear allegations of rape upon

the petitioner and, therefore, it is a heinous crime of a teacher on his taught. He, therefore, prayed that the petitioner does not deserve to be granted bail. Heard and considered the arguments advanced at the bar and perused the record. Upon a perusal of the record, it becomes apparent that the prosecutrix is a young girl of 13 years. She has specifically stated that the petitioner molested her and also committed rape on her inside and outside the school. The investigating agency has gone to the extent of conducting Narco test of the prosecutrix wherein also, the prosecutrix stated that the petitioner often used to force upon her. The act of the petitioner resulted into serious psychological trauma upon the prosecutrix so much so that she had to be kept admitted in the hospital for a prolonged period. It obviously is a gruesome case wherein the petitioner, a teacher, has misused his position and has committed a most heinous crime of rape upon his own minor student. In this view of the matter, this Court is of the opinion that there is no justification for granting bail to the petitioner in this case. Resultantly, this bail application is hereby rejected. (SANDEEP MEHTA), J.

S.Phophaliya/-

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