



RAJASTHAN HIGH COURT

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

सत्यमेव जयते

S.B. Criminal Miscellaneous Bail Application No. 10257/2026
CNR: RJHC020607392026 | URN: CRLMB / 19004U / 2026

Dinesh S/o Late Shri Jagdish Chand, Aged About 48 Years, R/o Sukhanand Ki Bagichi, Civanchi Gate, Police Station Khanda Palsa, District Jodhpur. At Present R/o Flat No. A-111, Emerald Ashrya, Mahapura, Mahendra Sez Road, Police Station Muhana, Jaipur (Raj.) (At Present Confined At Central Jail, Jaipur).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Mohammad Anees, Adv.
Mr. Ram Dayal Kumawat, Adv.
For Respondent(s) : Ms. Meenatai, complainant-in-person

HON'BLE MR. JUSTICE FARJAND ALI

Order

18/09/2026

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

S.No.	Particulars of the Case	
1.	FIR Number	38/2026
2.	Concerned Police Station	Vaishali Nagar
3.	District	Jaipur (West)
4.	Offences alleged in the FIR	Under Sections 64(1), 69, 82(2), 318(2), 351(2) of BNS and Section 66D of IT Act
5.	Offences added, if any	-
6.	Date of passing of impugned order	03.06.2026



2. Briefly stated the facts as mentioned in the FIR are that the complainant, a 52-year-old divorcee residing in Pune, came into contact with the accused Dinesh Bohra through Shaadi.com, where he represented himself as a divorcee and assured her of marriage. On 11.10.2025, after she came to Jaipur at his request, he allegedly established physical relations with her against her will and thereafter continued sexual relations on the assurance that he would marry her. The complainant alleged that the accused repeatedly postponed the marriage on false pretexts and later admitted that he was already married and residing with his wife and son. She further alleged that the accused and his associates, including his wife and office staff, subjected her to threats, harassment and pressure to terminate her pregnancy and thereafter attempted to avoid liability by portraying the relationship differently. According to the complainant, due to the alleged mental harassment and pressure, she suffered miscarriage and mental trauma. On these allegations, the present FIR was registered for offences under Sections 64(1), 69, 82(2), 318(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66D of the Information Technology Act.
3. It is contended on behalf of the accused-petitioner that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the



accused-petitioner and he has been made an accused based on conjectures and surmises.

4. Contrary to the submissions of learned counsel for the petitioner, learned Public Prosecutor opposes the bail application and submits that the present case is not fit for enlargement of accused on bail.

5. I have considered the submissions made by both the parties and have perused the material available on record.

6. A significant aspect emerging from the record is the nature, duration and conduct of the relationship between the petitioner and the complainant. She is a mature and educated lady, remained in the company of the petitioner for a considerable period and voluntarily accompanied him on several occasions. The material on record reflects that she travelled with the petitioner, stayed with him at different places, met him repeatedly and continued physical relations with him over a substantial period of time. These circumstances, taken cumulatively, prima facie indicate her wilful association and continued company with the petitioner.

- 6.1 It is also apparent from the material available on record that she was aware of the fact that the petitioner was a married person. Despite such knowledge, she continued to associate with him and maintained the relationship for a considerable length of time. Being an educated and mature lady, she could reasonably understand that during the subsistence of the petitioner's existing marriage, a second marriage could not



lawfully be solemnized unless the earlier marriage had come to an end in accordance with law. Nevertheless, she continued to remain in his company and the relationship between them continued.

5.2 The allegation of rape necessarily involves sexual intercourse against the will or without the consent of the prosecutrix. In the present case, however, the circumstances emerging from the record do not, at this stage, disclose a continuous absence of willingness on her part. Rather, the prolonged association, repeated meetings, travelling together, staying together and continuation of physical relations over a considerable period constitute circumstances suggestive of her voluntary participation in the relationship.

6.3 The subsequent revelation regarding the petitioner's marital status and the failure of the relationship to culminate in marriage may undoubtedly have caused distress and grievance to the complainant; however, such subsequent events, by themselves, cannot retrospectively render every act of physical intimacy between the parties as an act committed against her will. The surrounding circumstances and the conduct of the parties have to be considered in their entirety.

6.4 This Court is conscious of the fact that the ultimate question as to whether the complainant had consented to the physical relationship, and whether such consent was vitiated in law, is a matter to be examined at the appropriate stage of trial. At



the stage of consideration of bail, however, the Court is required to take note of the broad circumstances emerging from the record. In the present matter, the prolonged and continued voluntary association of the complainant with the petitioner, despite her knowledge of his marital status, is a circumstance which weighs in favour of the petitioner. Having regard to the totality of the facts and circumstances, without expressing any final opinion on the merits of the case, so also there is high probability that the trial may take long time to conclude. In light of these facts and circumstances, it is deemed suitable to grant the benefit of bail to the petitioner in the present matter.

5. Accordingly, the instant bail application under Section 483 of the BNSS is allowed.
- 5.1 An application has been preferred by the complainant seeking imposition of certain conditions while granting the benefit of bail to the accused-petitioner. It has been submitted that, though the petitioner may be enlarged on bail, appropriate conditions may be imposed upon him to safeguard the interest of the complainant and to ensure a fair course of the proceedings. The conditions so suggested have been placed before the Court in writing. Having regard to the nature of the allegations and the circumstances of the case, the conditions sought by the complainant appear to be reasonable and justified. The complainant is entitled to place such legitimate concerns before the Court and seek



appropriate safeguards while the accused is enlarged on bail. The conditions proposed by the complainant, to the extent permissible in law, deserve due consideration and are being incorporated in the order.

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- (i) The accused-petitioner, as named in the cause title, shall be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- along with two sureties in the sum of Rs.25,000/- each, preferably from his close family members, to the satisfaction of the learned Trial Court.
- (ii) The accused-petitioner shall ensure his regular appearance before the learned Trial Court on each and every date of hearing, either personally or through his duly authorised counsel. He shall not, by any act or conduct on his part, cause any obstruction, impediment or unnecessary delay in the smooth and expeditious progress of the trial.
- (iii) The accused-petitioner shall appear before the concerned Police Station at regular intervals, preferably once in every month, so as to satisfy the concerned authorities that he continues to reside at his stated abode and has not left the same.
- (iv) The statements of the witnesses, namely, Sunita, Niranjana, Kiran and Sonali Singh, if already recorded by the Investigating Officer during the course of investigation, shall be placed before the learned Trial Court in accordance with law.



(v) The learned Trial Court is directed to make all endeavour to proceed with and conclude the trial expeditiously, without granting unnecessary adjournments to either of the parties. It is clarified that the observations made hereinabove are confined only to the adjudication of the present bail application and shall not prejudice the learned Trial Court while considering the case on its own merits.

(FARJAND ALI),J

33/YOGESH KUMAR

