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Supreme Court cancels bail granted to son of Rajasthan Congress MLA, others accused of gang-raping 15-year-old girl

The Bench lamented the fact that the High Court had gotten 'swayed' by the delay in filing a complaint against the son of Congress MLA Johari Lal Meena and other accused.



Justice S Ravindra Bhat

Justice Aravind Kumar

Justice S Ravindra Bhat and Justice Aravind Kumar

Abhimanyu Hazarika

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The Supreme Court on Wednesday cancelled the bail granted to Deepak Meena, son of sitting Rajasthan Congress Member of Legislative Assembly (MLA) Johari Lal Meena, and two other accused in connection with the gang-rape of a 15-



year-old girl in February 2021. [***Bhagwan Singh v. Dilip Kumar @ Deepu @ Deepak and anr***]

A Bench of Justices **S Ravindra Bhat** and **Aravind Kumar** lamented the fact that the Rajasthan High Court had gotten 'swayed' by the delay in filing of the complaint and the lack of recovery of the alleged video of the act.

"The High Court has given a complete go by to the allegation made in the FIR and statement recorded under Section 161 and 164 of the Cr.P.C. as also the testimony of the prosecutrix before the jurisdictional court," the order stated.

The Court also flagged the fact that the accused had attempted to influence legal proceedings by threatening the prosecutrix and other witnesses after being booked for the offence.

"The fact that accused Deepak is the son of sitting MLA would disclose the domineering influence he would wield not only in delaying the proceedings but also in pressurizing the witnesses to either resile from their statement given during the course of investigation or pose threat to them from deposing against accused on their failure to act according to his dictates or induce them to testify as per his dictates or to help the defence of the accused..."

The fact that other prosecution witnesses have not come forward to give evidence even after nine dates of hearing justifies the apprehension of the complainant that the accused could influence the outcome of the case, the Bench added.

The Supreme Court **had in May sought the response of the Rajasthan government** on the appeal moved by the uncle of the rape survivor against the High Court order granting bail to the accused.

The minor had named the accused in her statements and submitted that they had taken photos and videos of the incident and threatened to upload them online if she approached the police.

A first information report (FIR) was lodged against the accused on March 25 last year for gang-rape and offences under the Protection of Children from Sexual Offences Act (POCSO Act).

However, the main accused (son of the MLA), aged 46 at the time, was only apprehended in January this year. The High Court granted him bail after noting

the time likely to be taken to complete the trial.

The petitioner before the top court contended that the High Court completely ignored the nature of the offence, the likelihood of the accused absconding, tampering with evidence and influencing witnesses.

The accused had only been in custody for three months but the High Court went into the merits of the case to grant bail, it was pointed out.

The appeal highlighted the facts of the missing register entries and CCTV footage of the hotel where the incident took place, along with the name of the MLA's son not being there in the final chargesheet despite being named in the complaint.

After hearing the parties, the Court said,

"The offence alleged in the instant case is heinous and would be a onslaught on the dignity of the womanhood and the age old principle of यत ननायर्यस्तत पपूज्यन्तरमन्तततत दतवतनाताः (where women are respected Gods live there) would recede to the background and the guilty not being punished by process of law or accused persons are allowed to move around freely in the society...and are likely to indulge in either threatening the prosecution witnesses or inducing them in any manner to jettison the criminal justice system, then the superior court will have to necessarily step in to undo the damage occasioned due to erroneous orders being passed by courts below."

While allowing the appeal, the top court directed the accused to surrender before the jurisdictional court within two weeks. The accused were granted liberty to seek bail after the evidence/depositions of the remaining witnesses are recorded, the Bench clarified.

Before the apex court, Senior Advocate **Meenakshi Arora** appeared for the son of the Congress MLA.

Advocates Anuj Bhandari, Gaurav Jain and Rajat Gupta represented the complainant and her uncle.

[Read judgment]

Attachment

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