

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

S.B. Criminal Writ Petition No. 463/2026

Opendra Kumar S/o Sh. Trilok Chandra, Aged About 47 Years,
R/o Ward No. 2 Panwana, Tehsil Laxmangarh, Bidasar, Dist. Sikar
At Present Lodged At Central Jail Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Director General Of Police, Headquarters Jaipur
3. The Superintendent Of Jail, Jodhpur

-----Respondents

For Petitioner(s)	:	Mr. Sangram Singh
For Respondent(s)	:	Mr. Shri Ram Choudhary, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The present writ petition has been preferred under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of interim bail to the petitioner, who is presently lodged in judicial custody.
2. It is not in disputed that the petitioner is an under-trial prisoner and has been in custody since 17.03.2023 in connection with FIR No.123/2024 registered at Police Station Mahamandir, Jodhpur East for the offences punishable under Sections 420, 406 and 120-B of the IPC, Sections 4, 5 & 6 of the Prize Chits & Money Circulation Schemes (Banning) Act, 1978 and Sections 3/21, 4/22 & 5/25 of the Banning of Unregulated Deposits Schemes Act,

2019. It is further borne out from the record that other FIRs of similar nature have also been registered against the petitioner, the details whereof have been placed on record as Annexure-1.

3. The petitioner seeks interim release on humanitarian grounds on account of the serious medical condition of his mother, namely Smt. Sarwani Devi, aged about 69 years. It has been pleaded that she is suffering from advanced osteoarthritis (OA) of both knees and is experiencing acute and debilitating pain. The medical documents placed on record reflect that upon clinical examination at Rajakiya Shri Kalyan Chikitsalaya, she has been advised to undergo total knee replacement surgery for both knees. Copies of the relevant medical reports have been annexed as Annexure-2.

4. It is further pleaded that in the second round of examination, the treating doctor recommended that the petitioner's mother be admitted for surgery at the earliest, though the date of admission and operation is yet to be finalized. It is submitted that the presence of the petitioner is necessary for completing hospital formalities, arranging admission and attending to his mother during the surgical procedure and post-operative period. It has also been stated that the petitioner's elder brother is serving in the Indian Army and is presently posted outside the State of Rajasthan.

5. Learned counsel for the petitioner submits that due to the pendency of multiple FIRs arising out of similar transactions, it is practically difficult for the petitioner to seek separate interim relief

in each case and, therefore, invocation of the extraordinary jurisdiction of this Court is justified. It is contended that the relief sought is strictly time-bound, humanitarian in nature and without touching upon the merits of the pending criminal cases.

6. Per contra, learned AGA opposes the prayer for interim bail but does not seriously dispute the medical condition of the petitioner's mother as reflected from the documents placed on record. It is submitted that if any indulgence is granted, the same may be made subject to stringent conditions.

7. Heard learned counsel for the petitioner and learned AGA for the State and perused the material placed on record.

8. The scope of the present petition is confined to grant of interim bail for a limited period on humanitarian grounds. The petitioner is not seeking adjudication on merits of the allegations levelled in the FIRs, nor is he seeking regular bail. The multiplicity of criminal proceedings arising out of similar transactions, coupled with the emergent medical condition of the petitioner's mother, renders the present writ petition maintainable in exercise of extraordinary jurisdiction of this Court for a limited and purpose-specific relief.

9. Serious illness of a parent requiring surgical intervention has consistently been recognized as a legitimate humanitarian ground for temporary release, subject to appropriate safeguards. In the present case, the medical record prima facie indicates that total knee replacement surgery has been advised at the earliest. The necessity of the petitioner's presence for facilitating admission,

surgery and immediate post-operative care cannot be lightly brushed aside, particularly when the elder brother is stated to be posted outside the State.

10. This Court is equally mindful of the nature of accusations and the pendency of multiple FIRs against the petitioner. However, interim bail for a short and regulated period, subject to stringent conditions, is not likely to prejudice the ongoing proceedings. The balance between the petitioner's right to life and family obligations under Article 21 of the Constitution of India and the interests of justice can be maintained by imposing strict safeguards.

11. Having regard to the totality of facts and circumstances, this Court is of the considered opinion that the petitioner deserves to be enlarged on interim bail for a limited period of 40 (forty) days from the date of his actual release.

12. Accordingly, the writ petition is allowed to the extent indicated hereinbelow. It is ordered that the petitioner shall be released on interim bail for a period of 40 (forty) days from the date of his actual release, in connection with FIR No.123/2024 registered at Police Station Mahamandir, Jodhpur East and other FIRs detailed in Annexure-1, subject to the following conditions:

(a) The petitioner shall furnish a personal bond in the sum of ₹1,00,000/- (Rupees One Lakh only) with two sureties of ₹50,000/- (Rupees Fifty Thousand only) each, to the satisfaction of learned Chief Judicial Magistrate, Jodhpur Metro.

(b) The petitioner shall be released solely for the purpose of attending to the medical treatment, admission and proposed total

knee replacement surgery of his mother and related post-operative care.

(c) The petitioner shall not misuse the liberty granted to him and shall not attempt to influence any witness or tamper with evidence in any manner.

(d) The petitioner shall intimate the concerned Investigating Officer about his place of stay during the period of interim bail and shall keep his mobile phone operational at all times.

(e) The petitioner shall surrender before the concerned jail authority immediately upon expiry of the interim bail period of 40 days, without fail.

13. It is made clear that the grant of interim bail is purely temporary and on humanitarian grounds and shall not be construed as an expression on the merits of the case(s) pending against the petitioner.

(FARJAND ALI),J