

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2349/2026

Kalpesh S/o Hangji Makwana, Aged About 25 Years, R/o
Dhamaniya, Police Station Kotwali, District Banswara, Rajasthan.
(Presently Lodged In Dist. Jail Banswara)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Deepesh Gurjar
For Respondent(s)	:	Mr. NS Chundawat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

26/02/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	262/2024
2.	Date of lodging FIR	22.12.2024
3.	Concerned Police Station	Rajtalab
4.	District	Banswara
5.	Offences alleged in the FIR	Section 109(1), 3(5) of the BNS, 2023 and Section 3/25 of Arms Act, 1959
6.	Offences added, if any	Section 61, 103(1), 249 of BNS, 2023

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. The principal allegation for gun fire is levelled upon co-accused persons Swayam, Bhavik and Ajay.

Investigation is completed and charge-sheet has been filed. The role assigned to the present petitioner is that he harboured co-accused persons. Co-accused Bhavik, against whom allegation of gun fire and causing injury is alleged, has already been enlarged on bail. The petitioner is in judicial custody since 29.12.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application and submits that allegation against the present petitioner is that he provided shelter to other co-accused persons and for that petitioner was also implicated.

4. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the material available on record.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers, so also the fact that allegation against the present petitioner is of providing shelter to hide other co-accused persons and there is no direct allegation of causing any fire injury and co-accused Bhavik, against whom allegation of gun fire and causing injury has already been enlarged on bail, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Kalpesh S/o Hangji Makwana** shall be released on bail in connection with the

aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J

24-amar/-