

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

S.B. Criminal Miscellaneous Bail Application No. 2303/2026

Makhan S/o Iliyas @ Kunda, Aged About 24 Years, R/o Punjasar
P.S. Dhanau District Barmer.
(Presently Lodged In District Jail, Barmer)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Kamal Singh Rathore Mr. Chail Singh
For Respondent(s)	:	Ms. Sonu Manawat, PP Mr. R.J. Punia

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/02/2026

1. The present bail application has been filed by the accused-applicant under Section 483 of the B.N.S.S., 2023 against the order dated 02.02.2026 passed by learned Additional Sessions Judge, Chouhtan in Bail Application No.09/2026 arising out of FIR No.124/2024, registered at Police Station Dhanau, District Barmer for the offences punishable under Sections 191(2), 191(3), 331(8), 115(2), 103(1) & 61(2)(a) of BNS, 2023 by which the bail application of the accused-applicant under Section 483 of the B.N.S.S., 2023 has been dismissed.
2. Learned counsel for the accused-applicant submits that he has been falsely implicated in the present case. It is further submitted that in the FIR, as many as ten persons, namely Fakira, Nasir, Mohmad, Makhan, Umar, Jiyara, Nidam, Dilawar, Bhadur

Khan and others, were named as having committed the murder of the deceased, Ahmed Ali. However, after investigation, the charge-sheet has been filed against Nidamdin, Dilawar Khan, Mohamad, Makhan and Meer Khan for the offences punishable under Sections 191(2), 191(3), 190, 331(8), 115(2), 103(1) and 61(2)(a) of the BNS, 2023. Learned counsel further submits that in the statement of Khand Bai recorded under Section 183 of the BNSS, the specific allegation of causing injuries with an axe has been levelled against co-accused Dilawar Khan. No overt act has been attributed to the present accused-applicant, Makhan. Learned counsel further submitted that all other co-accused persons, namely Dilawar Khan, Meer Khan, Mohammad Khan and Nidamdeen @ Nidam, have already been enlarged on bail by Coordinate Benches of this Court vide orders dated 10.10.2025, 02.06.2025, 23.04.2025 and 21.01.2026, respectively, and the case of the present accused-applicant is not distinguishable from that of the said co-accused persons.

3. Learned counsel for the accused-applicant contends that the accused-applicant was arrested on 11.09.2024 and has been in judicial custody since then. It is further contended that the charge-sheet has already been filed and the trial is likely to take a long time to conclude; therefore, the accused-applicant may be granted the benefit of bail.

4. Learned Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the bail application and submitted that the offence alleged to have been committed by the accused-applicant is serious in nature.

5. Heard learned counsel for the parties and also perused the material available on record.

6. Considering the overall facts and circumstances of the case, looking to the period of custody of the accused-applicant; the fact that the allegation of causing injuries of axe to the deceased Ahmed Ali has been specifically attributed to Dilawar Khan, who has already been enlarged on bail; the fact that the other co-accused persons have already been enlarged on bail; that the charge-sheet has been filed and trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow the bail application filed by the applicant.

7. Consequently, this bail application filed under Section 483 of the B.N.S.S., 2023 is allowed. It is ordered that accused-applicant **Makhan S/o Iliyas @ Kunda**, arrested in connection with FIR No.124/2024, registered at Police Station Dhanau, District Barmer shall be released on bail; provided he furnishes personal bond in the sum of Rs.1,00,000/- and two solvent attested sureties of Rs.50,000/- each to the satisfaction of the trial Court. Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J