

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

S.B. Criminal Misc(Pet.) No. 2211/2026

Rakesh S/o Ramesh, Aged About 21 Years, R/o Lauharsa Police
Station Bekariya District Udaipur Rajasthan

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Rajendra Singh Rathore
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

27/03/2026

This criminal miscellaneous petition has been filed by the petitioner challenging the order dated 19.01.2026 passed by the learned Sessions Judge, Sirohi in Criminal Bail Application No. 24/2026.

From perusal of the order, it appears that the petitioner was arrested in a case relating to motorcycle theft. His bail application was initially rejected by the Judicial Magistrate. Thereafter, the petitioner filed an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita before the Sessions Court.

The learned Sessions Judge, vide order dated 19.01.2026, allowed the bail application of the petitioner, however, imposed certain conditions. In particular, in condition No. 8, it was directed that the surety of the petitioner must necessarily be a member of his family. It was further directed that, except in unavoidable circumstances, if the petitioner does not remain personally

present before the trial court, his application for exemption from personal appearance shall not be accepted.

Heard.

In the opinion of this Court, both the above conditions imposed by the learned Sessions Judge are unnecessary. Such conditions create hindrance in availing the benefit of bail and are neither just nor reasonable in light of Article 21 of the Constitution of India, nor are they in consonance with the judicial precedents laid down by the Hon'ble Supreme Court from time to time.

Accordingly, this criminal miscellaneous petition is allowed. The condition mentioned in paragraph No. 8 of the impugned order, requiring that the petitioner's surety must be a member of his family, is hereby set aside.

Further, the condition that the petitioner's application for exemption from personal appearance shall not be accepted in case of absence on each date of hearing is also set aside.

The remaining part of the order shall remain intact.

The petition stands disposed of accordingly. Upon furnishing the regular bail bonds, the petitioner shall be released forthwith.

(BALJINDER SINGH SANDHU),J