

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

S.B. Criminal Miscellaneous 2nd Bail Application No. 4338/2026

Smt. Atika Ahmed Bano W/o Abdul Salim, Aged About 44 Years,
R/o 584, Bhupalpura Math, Police Station Bhupalpura, Udaipur.
(Lodged At District Jail Udaipur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Dilip Singh Udawat
For Respondent(s)	:	Mr. Surendra Bishnoi, P.P.
		Mr. Ojas
		Mr. Himanshu Soni

HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

08/05/2026

1. The petitioner has filed this second bail application, who was arrested by the police in connection with the FIR bearing No.58/2025 registered at Police Station Dhanmandi, District Udaipur for the offences punishable under Section 108 of B.N.S., 2023. The first bail application was dismissed as withdrawn by this Court vide order dated 17.10.2025 with liberty to file a fresh bail application after recording of statements of the material witnesses.
2. Learned counsel for the petitioner submits that in the present case the FIR was registered on 04.07.2025 and police, after conducting the investigation, has filed charge-sheet on 07.09.2025. He further submits that there are total 39 witnesses of the prosecution and up till now, statement of only one witness

has been recorded by the Trial Court. Learned counsel further submits that the trial court has repeatedly called the material witnesses, namely Anmol Dalal, Sachin Dalal and others for recording of their statement, however, the witnesses are intentionally avoiding the service of bailable warrant and avoiding appearance in the Court for recording of their statement.

3. Learned counsel submits that first bail application was dismissed on 17.10.2025, more than 6 months have passed and petitioner is in judicial custody, because of the intentional delay in appearance by the prosecution witnesses, more specifically, the complainant and his family members as they want to prolong the judicial custody of the petitioner in a false case. Learned counsel further submits that, apart from this, the complete allegations leveled against the petitioner by the deceased, are also baseless as the deceased in her audio and video messages made general allegations against the petitioner and other persons in society. She also cursed the complete environment/system around her, which goes to show that the deceased, may be because of her poor financial and mental condition, was disturbed, on account of which she recorded various audio and video messages in which she also made unverifiable and contradictory allegations against the petitioner.

4. Learned counsel submits that the petitioner has not caused any kind of mental or other cruelty and, therefore, it is amply clear that she has falsely been implicated in the present case. In view thereof, learned counsel prayed that the petitioner may be enlarged on bail by this Court.

5. Learned Public Prosecutor as well as learned counsel for the complainant vehemently opposed the bail application.
6. Learned counsel for the complainant submits that the audio and video messages shows that the deceased specifically named the petitioner herein about her role and, therefore, she does not deserves to be enlarged on bail by this Court.
7. Heard learned counsel for the parties and perused the material available on record.
8. This Court noted that the petitioner is behind the bars from for last 9-10 months and there are 39 witnesses of the prosecution, out of which statement of only one witness, i.e., Doctor (P.W.-1) has been recorded up till now after the order of this Court dated 17.10.2025, whereby the first bail application of the petitioner was dismissed. As the petitioner sought liberty to file fresh bail application on recording the statement of material witnesses, however, as noted from the report on theailable warrants as issued by the Trial Court for recording the statement of the material witnesses, it shows that intentionally the complainant and the family members are avoiding the recording of statements before the Trial Court. The matter was last listed on 05.05.2026. On the said date, learned counsel for the petitioner by referring to the report of the police on theailable warrant stated that the witnesses are avoiding their appearance for evidence in the trial. Today, when the matter was taken up, it has now been informed that the complainants were watching the proceedings and, therefore, on the next date, i.e., 06.05.2026 they appeared and assured the Court that they would appear before the learned Trial Court for recording of their statements.

9. This kind of conduct of the complainant and his family members is not acceptable when a person, against whom they have leveled serious allegations, is in judicial custody and facing the trial. The trial has been intentionally held up by the complainant and the family members as they are avoiding recording of their statements. Such conduct cannot be taken lightly and no person can be allowed to remain in jail at the mercy of the prosecution and/or complainant and material witnesses. In case the material witnesses and/or prosecution witnesses avoid the recording of their statement in the trial, then same leads to the presumption that they are intentionally avoiding the trial, on that account no person can be kept behind the bars for an indefinite period.

10. It is further noted that from the audio and video recording/ messages of the deceased, which, according to this Court, does not show any specific allegations against the petitioner, rather they are general in nature. The allegations are also against the society and the system which appears to be on account of the fact that the deceased might be having some financial and psychological problem due to which she made such statements. This Court also noted that petitioner is a female and has no criminal antecedents. Considering the complete record, this Court, without making any comments on the merits of the case, is inclined to enlarge the present petitioner on bail.

11. Accordingly, the bail application filed under Section 483 B.N.S.S. is allowed and it is directed that accused-petitioner **Smt. Atika Ahmed Bano W/o Abdul Salim** shall be released on bail, provided she executes a personal bond in a sum of Rs.1,00,000/-

with two sound and solvent sureties of Rs.50,000/- 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. The petitioner is further directed not to take undue advantage of liberty or misuse liberty. It is made clear that the observation as made by this Court in the bail application will not affect the trial of the case.

(RAVI CHIRANIA),J

Dushyant/5