

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5819/2026
CNR: RJHC010441212026
URN: CRLMB / 12958U / 2026

1.

Ashish @ Ashu S/o Phula, Aged About 22 Years, R/o Phutala Nichla Thana Pahada District Udaipur. (At Present Lodged In District Jail Dungarpur)
2.

Mansha S/o Laxman, Aged About 30 Years, R/o Bichla Phala Sarera, Thana Pahada District Udaipur. (At Present Lodged In District Jail Dungarpur)

-----Petitioners

Versus

State of Rajasthan, Through PP

-----Respondent

For Petitioner(s)

:

Mr. Jitendra Ojha

For Respondent(s)

:

Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

06/07/2026

1. This application for bail has been filed by the petitioners 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	106/2026
2.	Date of lodging FIR	07.04.2026
3.	Concerned Police Station	Kherwara
4.	District	Udaipur
5.	Offences alleged in the FIR	Sections 332(c), 309(4) and 3(5) of BNS, 2023
6.	Offences added, if any	-

2. Learned counsel for the petitioner, at the outset, submits that he does not want to press the present bail application qua petitioner No.2 – Mansha at this stage.

3. In view of the submission made above, the present bail application qua petitioner No.2 – Mansha is dismissed as not pressed.

4. Learned counsel for the petitioner submits that the petitioner No.1 – Ashish @ Ashu has been falsely implicated in the case and false allegations have been levelled against him. He submits that the offence alleged against the petitioner No.1 is triable by Magistrate. No recovery is made from petitioner No.1 and the snatched article was recovered from co-accused Mansha. He also submits that the investigation has concluded and challan has been filed. The petitioner is in judicial custody since 12.04.2026 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

5. Learned Public Prosecutor vehemently opposes this bail application, however, he is not in a position to refute the fact that offence alleged against the present petitioner is triable by Magistrate.

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

7. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan so also considering the fact that investigation has been concluded and challan has been filed; no recovery is to be made from the petitioner; petitioner is in judicial custody since 12.04.2026 and the offence alleged against the present petitioner is triable by

Magistrate, 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 No.1 deserves to be accepted.

8. Accordingly, the bail application filed under Section 483 of BNSS is allowed qua petitioner No.1. It is ordered that petitioner- **Ashish @ Ashu S/o Phula** 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.

9. 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