

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

S.B. Criminal Miscellaneous Application No. 318/2026

Sharvan Kumar S/o Ram Kishan, Aged About 45 Years, R/o Through His Wife Smt. Knwarai W/o Sharvan Kumar Aged About 45 Yeras R/o Vishnoiyan Ki Dhani, Bhaniya, Rajola Kalan, Pali, District Pali, Rajasthan. (Presently Lodged In Dist. Jail Jalore)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Pranjul Mehta

For Respondent(s) : Mr. NS Chandawat, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/05/2026

1. The instant miscellaneous application has been preferred on behalf of the petitioner seeking modification of certain conditions incorporated in the order dated 21.04.2026 passed by this Court, whereby the petitioner was temporarily released for a period of 25 days from the date of his actual release, solely for the purpose of undergoing comprehensive medical treatment at AIIMS, Jodhpur. For the ease of reference, the relevant paragraphs of the order dated 21.04.2026 are reproduced herein below:-

"7. The release shall be subject to the following conditions:

(i) The petitioner shall remain under continuous custody and supervision of designated police personnel/guard at all times during the period of release;

(ii) The Superintendent of District Jail, Jalore shall make necessary arrangements for such temporary release and

shall hand over the petitioner to the escorting staff with due documentation;

(iii) The Commissioner of Police, Jodhpur shall ensure due coordination with AIIMS, Jodhpur for facilitating admission and treatment of the petitioner and shall also ensure adequate security arrangements throughout the period;

(iv) The petitioner shall undergo such treatment, including surgical intervention, if advised by the treating doctors, and shall also receive necessary post-operative care during the aforesaid period;

(v) The petitioner shall not contact any prosecution witness or indulge in any activity prejudicial to the pending proceedings;

(vi) Upon expiry of the aforesaid period of 25 days, or earlier discharge from the hospital, the petitioner shall be taken back into custody forthwith and lodged in the concerned jail.

8. The Superintendent of District Jail, Jalore and the Commissioner of Police, Jodhpur shall ensure strict compliance of this order.

9. With the aforesaid directions, the present criminal writ petition stands disposed of."

2. It has been submitted by learned counsel for the petitioner that the family members of the petitioner desire to get his treatment conducted from a medical institution/hospital of their own choice where they repose complete faith and confidence. It has been urged that although AIIMS is a premier government medical institution, however, the petitioner and his family members, for their personal satisfaction and comfort, intend to avail treatment elsewhere and therefore, insistence upon treatment only at AIIMS may cause unnecessary inconvenience to them.

2.1 Learned counsel further submits that the ailment of the petitioner presently does not necessitate any invasive surgical

intervention and therefore, the condition relating to surgical treatment also deserves appropriate modification.

2.2 It has also been urged that the condition requiring continuous custody and supervision by police personnel throughout the period of release would not only cause immense inconvenience and discomfort to the family members of the petitioner, but would also defeat the very object of granting temporary release for medical treatment and recuperation.

2.3 It has been averred that the petitioner has no criminal antecedents whatsoever and there exists no material on record to indicate that he is likely to abscond or indulge in any activity prejudicial to the pending proceedings. He further submits that the petitioner is ready and willing to furnish adequate sureties and bonds to secure his presence and to ensure strict adherence to the conditions imposed by this Court.

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

4. This Court is conscious of the fact that while granting temporary release to an accused person for medical treatment, the conditions imposed are required to strike a delicate balance between the liberty of the individual and the societal interest of ensuring his availability during the course of proceedings. At the same time, such conditions should not become so onerous or oppressive that the very purpose for which temporary release has been granted stands frustrated.

5. Having regard to the peculiar facts and circumstances of the case, particularly the financial adversity faced by the petitioner and the absence of any criminal antecedents attributed to him.

6. This Court deems it appropriate to partially modify the conditions contained in the order dated 21.04.2026:-

(i) Consequently, in view of the modification permitting the petitioner to avail treatment from a medical institution/hospital of his own choice and further considering the fact that the petitioner is willing to furnish substantial personal and surety bonds to secure his presence during the period of temporary release, this Court is of the opinion that continuance of condition No.(i) of paragraph No.7 of the order dated 21.04.2026, requiring continuous custody and supervision by police personnel, would no longer serve any meaningful purpose and rather would unnecessarily impede the petitioner in availing proper medical treatment and post-treatment care with dignity and convenience. Accordingly, condition No.(i) of paragraph No.7 of the order dated 21.04.2026 stands deleted.

(ii) Further, condition No.(iii) of paragraph No.7 of the aforesaid order is modified to the extent that admission and treatment of the petitioner shall not necessarily be confined to AIIMS, Jodhpur and the family members of the petitioner shall be at liberty to get him treated at any recognized medical institution/hospital of their choice where they repose trust and confidence for proper treatment of the petitioner.

(iii) The remaining conditions contained in the order dated 21.04.2026 shall remain unaltered and shall continue to operate with full force.

7. In order to ensure the presence and conduct of the petitioner during the period of temporary release, it is directed that the petitioner shall furnish a personal bond in the sum of Rs.5,00,000/- alongwith two surety bonds of Rs.2,00,000/- each to the satisfaction of the learned trial Court, to be furnished by his mother and father respectively.

8. It is further directed that during the aforesaid period of temporary release, the petitioner shall mark his presence before the SHO, Police Station Sadar, Pali once in every seven days and shall cooperate with the investigating agency in all respects, so as to remain within the constructive supervision and clutches of the investigating machinery.

9. With the aforesaid modifications and directions, the instant miscellaneous application stands disposed of.

(FARJAND ALI),J