

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

S.B. Criminal Miscellaneous Bail Application No. 5987/2025

Sanjay Jain S/o Sohan Lal Jain, Aged About 56 Years, R/o 2/36,
Khandu Colony, Banswara, Police Station Rajtalab Banswara
(Raj.)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Kuldeep Sharma
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/07/2025

This anticipatory bail application under Section 482 of the BNSS (438 Cr.P.C.) has been filed by the petitioner apprehending his arrest in connection with FIR No.355/2013, registered at Police Station Gadhi, District Banswara, for the offences under Section 420 and 406 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Learned counsel further submits that the charges against the petitioner are triable by Court of Magistrate. Learned counsel submits that after registering the FIR, the Investigating Officer has considered all aspect and recorded the statement of other persons and thereafter reaches a conclusion and filed a final negative report in favour of the petitioner. The final negative report dated 28.12.2013 filed by Investigating Officer is placed on record. Learned counsel further submits that after filing of protest petition

before the concerned Magistrate, the learned trial Court has recorded her statement and reached at the conclusion that a prima facie case under Section 420 and 406 of the IPC is made out as petitioner were found involved. This resulting to the trial Court summoning the petitioner through arrest warrant therefore, there is an apprehension of petitioner's arrest. It was further submitted that, no fruitful purpose would be served by sending the petitioner behind the bars. It was prayed that therefore, the petitioner may be released on anticipatory bail.

Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Bharat Choudhary & Anr. Vs. State of Bihar and Anr. in Criminal Appeal No.1250 of 2003*** decided on 08.10.2003: ***(2003) 8 Supreme Court Cases 77***, wherein it is held that even after filing of the charge sheet and taking the cognizance, anticipatory bail may be granted. Therefore, as far as maintainability of the bail application is concerned, the objection raised by the learned Public Prosecutor is rejected.

Learned Public Prosecutor has vehemently opposed the prayer for anticipatory bail and submits that pursuant to filing of protest petition and after the enquiry report, the petitioner was summoned by the learned trial Court, therefore, this anticipatory bail filed under Section 482 of the BNSS is not maintainable.

Heard the learned counsel for the parties and perused the impugned order.

Having regard to the facts and circumstances of the case and considering that earlier investigation is already completed and final negative report of the petitioner has been filed by the Investigating Officer and upon consideration of the arguments

advanced at the bar, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C (Section 482 BNSS).

Accordingly, the bail application is allowed and it is directed that in the event of arrest of petitioner - **Sanjay Jain S/o Sohan Lal Jain**, in connection with FIR No.355/2013, registered at Police Station Gadhi, District Banswara, the petitioner shall be released on bail; provided he furnishes a personal bond in the sum of Rs.50,000/- each along with two sureties of Rs.25,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions:-

- (i). that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii). that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer; and
- (iii). that the petitioner shall not leave India without previous permission of the court.

(MUKESH RAJPUROHIT),J