

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

S.B. Criminal Miscellaneous **2<sup>nd</sup>** Bail Application No. 9051/2024

Ramlal Alias Ramu S/o Shri Momtaram, Aged About 24 Years, R/  
o 25 P.t.t. Police Station Samejakothi, District Shri Ganganagar  
(At Present Lodged At Sub Jail Raisingh Nagar)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

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| For Petitioner(s) | : | Mr. Narayan Dan         |
| For Respondent(s) | : | Mr. Narendra Gehlot, PP |

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**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**25/03/2026**

1. This second application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.132/2020 registered at Police Station Sameja Kothi, District Sri Ganganagar, for the offences under Sections 302 and 120-B of IPC.
2. The first application for bail filed on behalf of the petitioner came to be dismissed by this Court vide order dated 15.05.2023 by passing a detailed order.
- 3 This Court on 04.02.2026 directed the Registrar (Judicial) to call for the status report of the trial pending against the present petitioner from the learned trial court. In compliance of the order dated 04.02.2026, the learned trial court has sent the status report dated 11.03.2026 of the trial pending against the present petitioner.

4. The facts relevant for adjudication for the present bail application are that on 11.09.2020, the complainant – Fusaram submitted a written complaint before the SHO of Police Station Sameja Kothi alleging *inter alia* that on 10.09.2020, after returning home from his work, the complainant's son- Khetaram went out to run some errands, however, he ended up drinking alcohol with the present petitioner. Later, the villagers had seen them leaving the village. Khetaram did not return home that night. Subsequently, the complainant inquired in the neighbourhood regarding his missing son, but found no information. On the next morning, Khetaram's dead body was discovered by the villagers approximately a kilometre away from the village.

5. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. There is no eye-witness of the alleged incident. Learned counsel further submitted that the entire case of the prosecution is based on conjectures and surmises as there is no direct or cogent evidence available on record which indicate involvement of the petitioner in commission of the alleged offence. The entire case of the prosecution is based on circumstantial evidence.

6. Lastly, learned counsel submitted that the petitioner is in judicial custody since long; he does not have any criminal antecedents; the investigation in the matter has already been concluded and the trial of the case will take sufficiently long time to conclude, therefore, the benefit of bail may be granted to the accused-petitioner.

7. *Per Contra*, learned Public Prosecutor has vehemently opposed the bail application. He contended that the petitioner was last seen in the company of the deceased before he was murdered. To substantiate this contention, attention of the Court was drawn towards the statements of Ramswaroop (P.W.-04) which are sufficient to indicate that deceased was in the company of the petitioner soon before he was murdered.

8. He further submitted that the murder weapon has been recovered at the instance of the present petitioner, therefore, he prayed that the present bail application filed by the petitioner be dismissed.

9. Heard learned counsel for the parties. Perused the material available on record.

10. Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that petitioner is facing trial for an offence under Section 302 IPC and the allegations levelled against him are grave and heinous in nature.

11. This Court also *prima facie* finds that substantial evidence is available on record of the case including but not limited to the recovery of murder weapon (*lathi*) allegedly used by the petitioner for commission of the offence, at the instance of the present petitioner so also the statements of material prosecution witnesses indicating that the deceased was last seen with the petitioner before he was murdered and the call details of the petitioner and deceased right before the alleged offence. These evidence corroborates the prosecution version regarding the time,

manner and place of the occurrence. At this Stage, this Court is not expected to conduct a meticulous examination of evidence; however, the material available on record cannot be brushed aside lightly while considering bail application in a case of such nature.

12. Further, this is the second bail application filed by the petitioner. No substantial change in circumstances has been pointed out by the learned counsel for the petitioner since the rejection of the earlier bail applications, which may persuade this Court to take a different view. It is a settled principle of law that successive bail applications can be entertained only upon demonstration of a substantial change in circumstances. The Hon'ble Supreme Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav (2004) 7 SCC 528*** has authoritatively held:

*"When a bail application is rejected, there must be a substantial change in the fact situation or in law before a subsequent bail application is entertained."*

13. This Court has carefully considered the contention raised by the petitioner regarding prolonged incarceration. Undisputedly, the right of speedy trial is an integral facet of Article 21 of the Constitution of India, however, the said right cannot be pressed into service as an absolute rule for grant of bail in cases involving grave and heinous offences. The Hon'ble Apex Court in ***Kalyan Chandra Sarkar (Supra)*** has clearly held that long incarceration by itself cannot be a decision factor for grant of bail in serious offences and observed as under:

*"It is trite that the grant of bail is not to be automatic merely because the accused has undergone a long period of incarceration. The seriousness of the offence and the interest of society are relevant considerations."*

14. The status report dated 11.03.2026 received and forwarded by the Registrar (Judicial) indicate that the trial has crossed the halfway mark. The report also indicate that out of total 18 cited prosecution witnesses, statements of 12 witnesses have already been recorded before the learned trial court. In the opinion of this Court, considering the above fact, releasing the petitioner on bail at this stage would not be in consonance with the interest of Justice.

15. Keeping in view the nature and gravity of offence, the material available on record, the absence of any change in circumstances, and the settled principles governing the grant of bail in serious offences, this Court does not find any ground to enlarge the petitioner on bail.

16. Consequently, the present second bail application filed by the petitioner under Section 483 BNSS is hereby dismissed.

17. It is, however, made clear that the observations made/findings recorded hereinabove are strictly for the purpose of adjudication of the present bail application and the trial court shall not get prejudiced from the same.

**(KULDEEP MATHUR),J**