

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

S.B. Criminal Miscellaneous Bail Application No. 7162/2026
CNR: RJHC010546972026 | URN: CRLMB / 15808U / 2026

Amritlal S/o Mangilal, Aged About 61 Years, Yadav Mohalla,
Kankarwa P.S.-Bhupalsagar, District- Chittorgarh Raj.
(At Present Lodged In Sub Jail Kapasan)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Sudhir Saruparia
For Respondent(s) : Mr. Shriram Choudhary, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/08/2026

1. This application for bail has been filed by the petitioner 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	39/2025
2.	Date of lodging FIR	22.03.2025
3.	Concerned Police Station	Bhupal Sagar
4.	District	Chittorgarh
5.	Offences alleged in the FIR	Sections 103(1) and 3(5) of the BNS, 2023
6.	Offences added, if any	--

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. He further submits that the complainant- Pappu Lal Yadav S/o Indermal Yadav (PW-3) has

turned hostile. Learned counsel contends that during his cross-examination, the complainant specifically deposed that he had not witnessed the incident as alleged in the FIR. He further submits that the prosecution examined Raju (PW-1), Vimla Bai (PW-2), the mother of the deceased and Gayatri (PW-4), neighbour of the deceased, as eyewitnesses, however, all of them have also turned hostile and have not supported the prosecution story.

2.1 Learned counsel further submits that out of total 26 prosecution witnesses, the aforesaid four material witnesses have turned hostile. He contends that the only recovery made from the present petitioner is an iron rod, which was not found to be stained with blood. There is no other cogent or incriminating evidence connecting the petitioner with the crime in question. The petitioner is in judicial custody since 24.03.2025 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application, however, not in a position to refute the fact that the complainant and the other three material witnesses have turned hostile during the course of trial.

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

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers as well as the statements of the witnesses recorded before the trial Court, including those of the complainant Pappu Lal Yadav (PW-3) and the three alleged eyewitnesses, Raju (PW-1), Vimla

Bai (PW-2), the mother of the deceased, and Gayatri (PW-4), the neighbour of the deceased, have not supported the prosecution case and have been declared hostile; and that the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail, 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 deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Amritlal S/o Mangilal** 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.

7. 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