

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 7969/2026

Fayaz Ahmad S/o Haji Abdul Jabbar, Aged About 63 Years,
Resident Ofpeer Ki Dargah, Do Masjid Road, Makrana, Police
Station Makrana, District Didwana-Kuchaman, Rajasthan.
(Lodged In Dist. Jail Makrana)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. DLR Vyas
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP Mr. Mrigraj Singh Rathore through VC

**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
(VACATION JUDGE)**

Order

25/06/2026

This application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the
petitioner, who has been arrested in connection with FIR No.
227/2011 registered at Police Station Makrana for offences under
Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860.

Heard learned counsel for the petitioner, learned Public
Prosecutor as well as learned counsel for the complainant. Perused
the material available on record.

Learned counsel for the petitioner submits that the offences
alleged against the petitioner are triable by a Magistrate. It is
further submitted that the disputed document is a registered Will
and, therefore, the allegations levelled against the petitioner are

ex facie doubtful. Learned counsel submits that the Will was registered in the year 2003, whereas the FIR came to be lodged in the year 2011. It is further submitted that the petitioner is in judicial custody and that the trial of the case is likely to take considerable time; therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor as well as learned counsel for the complainant have opposed the bail application. Learned counsel for the complainant submits that on the date of the alleged execution and registration of the Will, the executor was admitted in the hospital, which raises serious doubt regarding the genuineness of the document. Reliance is placed upon the statements of Dr. Rajesh Bothwani and the petitioner in support of the aforesaid contention.

This Court has considered the submissions advanced by learned counsel for the parties and perused the material available on record. The document in question is a registered Will executed in the year 2003. The allegation of the complainant is that the executor was admitted in the hospital during the relevant period; however, such questions pertain to the appreciation of evidence and are matters to be examined during the course of trial. The offences alleged against the petitioner are triable by a Magistrate. The petitioner is in judicial custody since 04.06.2026, the investigation stands completed and no further recovery is required to be effected from him.

Hence, having regard to the facts and circumstances of the case, particularly the nature of allegations, the fact that the offences are triable by a Magistrate, the completion of investigation, the period of custody undergone by the petitioner and the likelihood of the trial taking considerable time to conclude, and there being no material on record to suggest that the petitioner would abscond or misuse the liberty of bail, this Court is of the view that the petitioner has made out a case for grant of bail. Accordingly, without expressing any opinion on the merits of the case, this Court deems it just and proper to enlarge the petitioner on bail under Section 483 of the BNSS.

Consequently, the bail application under Section 483 of BNSS is **allowed**. It is ordered that the accused-petitioner, Fayaz Ahmad S/o Haji Abdul Jabbar, arrested in connection with FIR No. **227/2011** registered at Police Station Makrana, shall be released on bail, if not wanted in any other case, provided that he furnishes a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) along with two sureties in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand only) the learned trial Court, for his appearance before the said Court on each and every date of hearing and whenever called upon to do so, till conclusion of the trial.

(BALJINDER SINGH SANDHU), VJ