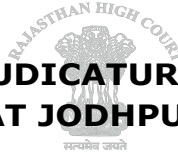




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous Bail Application No. 8004/2026
CNR: RJHC010584222026 | URN: CRLMB / 17428U / 2026

Mula Ram S/o Kheta Ram, Aged About 28 Years, R/o Kekar Tehsil
Sedwa, District Barmer Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Mohan Ram S/o Mula Ram, Aged About 45 Years, R/o
Village Adarsh Kekar, Tehsil Sedwa, District Barmer Raj

-----Respondents

For Petitioner(s)	:	Mr. DN Yadav
For Respondent(s)	:	Mr. Surendra Bishnoi, PP Mr. Jitendra Ojha

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

05/08/2026

1. The applicant has filed the present anticipatory bail application under Section 482 of BNSS being aggrieved against the order dated 26.07.2024 passed by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Rights Act, 2005, Balotra in Session Case No.14/2023 (CIS No.14/2023), whereby the bail application filed by the accused-applicant under Section 482 of B.N.S.S. was rejected. The accused-applicant is apprehending his arrest in connection with the F.I.R. No.283/2022 registered at Police Station Sedwa, District Barmer, for the offences punishable under Sections 450, 376(3) and 376-D of IPC and Sections 3(2)



(va), 3(2)(v) and 3(1)(w)(ii) of SC/ST Act, 1989 and Sections 5g and 6 of the POCSO Act, 2012.

2. Brief facts of the case are that based upon a complaint lodged by father of the prosecutrix, an FIR came to be lodged against the present applicant and one co-accused Pappu Ram. As per the FIR, the complainant 'M' stated that when he was working in his agricultural field, he heard hue and cry of his daughter. On reaching the site, he saw that his minor daughter was being sexually assaulted by Pappu Ram. He further stated that around one and a half year prior, the present applicant, who at that relevant time was running a medical shop, had committed rape upon his daughter and video of the same was made by Pappu Ram. He further asserted that based upon the threat of committing rape, Pappu Ram forced the victim to have sexual intercourse with her. Based upon the report, the investigation was started. The statements under Section 161 Cr.P.C.(Section 180 BNSS) as well as Section 164 Cr.P.C.(Section 183 BNSS) were recorded, wherein same version was given by the victim with regard to rape committed by Pappu Ram as well as by present applicant Mula Ram and there was no inconsistency in the statements so given. Not only this, the victim was examined as PW-1 wherein, she did not support the version of the prosecution regarding Pappu Ram, however, as far as the present applicant is concerned, she remained firm on her stand that the applicant had sexually assaulted her while she went to purchase the medicine and thereafter, time and again also under the threat to her of making the video viral.



2.1 The police post investigation had filed the charge-sheet against Pappu Ram only and no case was found to be made out against the present applicant. Thereafter, on an application under Section 319 Cr.P.C. (Section 358 BNSS), the applicant was summoned by way of an arrest warrant while adding him as an accused by way of order dated 26.07.2024 passed by learned Special Judge Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Rights Act, 2005, Balotra. The above-mentioned order came to be challenged by the applicant by way of filing S.B. Criminal Revision Petition No.1244/2024 *"Mula Ram vs. State of Rajasthan & Anr."*. The revision petition came to be dismissed by Coordinate Bench of this Court vide its order dated 19.03.2026 while dealing with all the grounds taken by learned counsel for the applicant with regard to the victim turning hostile, as far as Pappu Ram is concerned, the testimony of prosecutrix was not of sterling worth, as also the argument that the basis of passing the order under Section 319 Cr.P.C. was not at all justified. The Court turned down all the arguments of learned counsel for the applicant and thereafter, while considering the entire facts of the case, dismissed the revision petition while upholding the order of adding the applicant as an additional accused and summoning him by an arrest warrant. Against the same order, the present anticipatory bail application has been filed.

2.2. It will be further relevant to mention here that thereafter, the applicant had filed an application for converting the arrest warrant into bailable warrant before the learned Trial Court, which also came to be rejected. Against the same order, again the applicant



filed a revision petition being S.B. Criminal Revision Petition No.871/2026 "*Moola Ram vs. State of Rajasthan & Anr.*" which came to be dismissed by Coordinate Bench of this Court vide order dated 29.06.2026 while holding that the learned Trial Court had not committed any illegality in summoning the accused through arrest warrant. The Court had also considered the fact that earlier order passed by the learned Trial Court, while adding applicant as an accused under Section 319 Cr.P.C., was already upheld by the Court.

3. Learned counsel for the applicant while again challenging the order dated 26.07.2024, whereby application under Section 319 Cr.P.C. was allowed and the accused was summoned by arrest warrant, has again submitted that the basis of the order happens to be recovery of an underwear. However, there was no allegation of the applicant committing sexual assault at the house of the victim and therefore, underwear did not belong to the applicant. He further submits that the testimony of the victim is not even sterling worth for the reason that she has taken a complete somersault and stated that she has entered a compromise with co-accused Pappu Ram and has further stated that Pappu Ram did not commit any sexual assault upon her. He further asserted that the underwear, which was recovered belonged to Pappu Ram which is clear from the recovery memo Exhibit P-7.

3.1 Faced with the objection with regard to the order in question being already upheld in the revision petition, learned counsel for the applicant places reliance upon the judgment passed by Division Bench of this Court in the case of "**Manohar Lal Saini & Ors. vs. State of Rajasthan**" reported in **2016(1) Cr.L.R.**



(Raj.) 184, wherein this Court has held that when the accused is summoned through an arrest warrant, then such person can challenge the order invoking provisions under Section 482 Cr.P.C. and can also apply for anticipatory bail under Section 438 Cr.P.C.

3.2 He further refers to the judgment of Hon'ble Apex Court in the case of **"Prabhu Chawla vs. State of Rajasthan & Anr."** reported in **AIR (2016) SC 4245**, wherein, while dealing with the inherent powers of High Court under Section 482 Cr.P.C. vis-a-vis the remedy of revision under Section 397 Cr.P.C., the Hon'ble Apex Court has held that alternative remedy of revision cannot by itself be a ground to dismiss a petition under Section 482 Cr.P.C. He, therefore, implores this Court to allow the present anticipatory bail application.

4. Per contra, learned Public Prosecutor as well as learned counsel for the complainant oppose the bail application and submit that all the evidences since the inception i.e. lodging of the FIR, the statements recorded under Sections 161 Cr.P.C., 164 Cr.P.C. as well as the statement of the victim recorded by the learned Trial Court as PW-1, as regards the applicant the stand has remained consistent with regard to sexual assault being committed upon her by the applicant at the shop of the applicant itself. They further submit that the impugned order in the present case has already been challenged by way of filing S.B. Criminal Revision Petition No.1244/2024 **"Mula Ram vs. State of Rajasthan & Anr."** which came to be dismissed by Coordinate Bench of this Court vide order dated 19.03.2026. It was further argued that post that an application was filed for converting the arrest warrant into bailable warrant which also came to be dismissed and against the said



order, another revision petition being S.B. Criminal Revision Petition No.871/2026 "*Moola Ram vs. State of Rajasthan & Anr.*" was also filed which also came to be dismissed by Coordinate Bench of this Court vide its order dated 29.06.2026. They, therefore, assert that since both the revision petitions are dismissed, the applicant is estopped from challenging the same order. They submit that also considering the allegations levelled against the applicant and the material available on record, the applicant does not deserve to be enlarged on bail.

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

6. A perusal of the criminal complaint as well as the statements of the prosecutrix recorded under Sections 161 Cr.P.C., 164 Cr.P.C. as well as her statement as PW-1 before the learned Trial Court, will clearly reflect that her stand has been consistent. As far as the role of the applicant is concerned, she has stated in clear words that when she went to purchase medicines at the shop of the applicant and under the garb of checking the victim, the applicant committed rape of the victim and qua the incident in question, a video was made by Pappu Ram. Under the threat of video being made viral, the applicant committed sexual assault upon the victim more than 3 to 4 times.

6.1 True it is that the initial incident narrated was pertaining to one and a half year back but it is a case of continuing offence, inasmuch as, post that under the threat of video being made viral, the sexual assault was again committed for 3 to 4 times. The stand of the prosecutrix has not changed and she has remained firm in her cross-examination also and no deviation with regard to



the incident has been made in her cross-examination. Simply because she has taken a somersault as far as the act of Pappu Ram is concerned, by itself would not be a ground to discard her testimony as 'falsus in uno, falsus in omnibus' is not applicable to the Indian criminal jurisprudence. Even otherwise, the testimony of the prosecutrix as well as her father is consistent, as far as the commission of rape on the part of the present applicant is concerned.

6.2 As far as the challenge to the order impugned dated 26.07.2024 (impugned order) is concerned, needless to emphasize that the same was already challenged by the applicant by way of filing a criminal revision petition being S.B. Criminal Revision Petition No.1244/2024 "*Mula Ram vs. State of Rajasthan & Anr.*" and by way of its order dated 19.03.2026, Coordinate Bench of this Court while considering each and every arguments of the same learned counsel who appeared on behalf of the applicant, has upheld the validity of the order passed under Section 319 Cr.P.C.

6.3 Needless to emphasize that this Court is not sitting as a Court of appeal against the order passed by the Coordinate Bench of this Court and once the validity of the order has been upheld, this Court is having no jurisdiction to thereafter decide the correctness of the same at this stage. Even otherwise, post passing of the order in question the applicant filed an application for converting the arrest warrant into bailable warrant, which also came to be dismissed. Again that order was challenged in S.B. Criminal Revision Petition No.871/2026 "*Moola Ram vs. State of Rajasthan & Anr.*", decided on 29.06.2026.



6.4 This Court, while considering all the arguments again by the same counsel, had dismissed the revision petition vide its order dated 29.06.2026, while quoting the earlier order and dealing with all other arguments as to whether the arrest warrant could be converted into bailable warrant and as to whether the revision petition was maintainable or not.

6.5 For sake of convenience, the order dated 29.06.2026 is quoted as under:-

"1. By way of filing the present criminal revision petition under Section 479 BNSS, the petitioner has prayed for the following reliefs:-

"It is therefore most humbly and respectfully prayed before this Hon'ble Court to be pleased to call for the record of trial Court bearing Session Case No- 66/2026 titled State V/S Pappu Ram and after hearing the counsel for the petitioner be please to allow thi revision petition and pass the following orders:-

(a) To quash and set aside the order dated 08/05/2026 passed in session case No 66/2026 state v/s Pappu Ram (in Criminal Misc. Application No.42/2026, CIS No- 83/2026 titled Moola Ram V/S state of Rajasthan) by which Application Annexure-13 dated 13/04/2026 has been rejected by overlooking Substantive documentary Admitted Evidence not warranted u/s 319 CrP.C. for taking Cognizance against petitioner as Additional accused and be also pleased to pass an order to allow the Application Annexure-13 filed by petitioner before trial court.

(b) To pass an order to quash and set-aside order dated 26/07/2024 passed by the trial Court by which trial court has taken Cognizance u/s 319 Cr.P.C. against the petitioner as Additional Accused by overlooking and going off the record in exclusion sufficient admitted Evidence denying any offence committed by petitioner.

(c) To pass an order for Converting Arrest Warrant into Bailable warrant against order dated 26/07/2024 passed by trial court.

(d) To pass such order as the hon'ble court may deem fit and proper in the interest of justice."



2. *This is the second round of litigation between the parties.*
3. *The record of the case indicates that, prior to filing the present revision petition, the petitioner had preferred S.B. Criminal Revision Petition No.1244/2024, titled Mula Ram vs. State of Rajasthan & Anr., before this Court, assailing the order dated 26.07.2024 passed by the competent criminal Court whereby the petitioner was arrayed as an additional accused and summoned through an arrest warrant. The operative portion of the order dated 26.07.2024, which was the subject matter of challenge in the aforesaid revision petition, is reproduced below for ready reference:-*

"18. अतः परिवादी की ओर से प्रस्तुत प्रार्थना पत्र अन्तर्गत धारा 319 सीआर.पी.सी. दिनांकित 8.11.2023 स्वीकार किया जाकर अभियुक्त मूलाराम पुत्र खेताराम जाट निवासी केकड तहसील सेडवा जिला बाडमेर के विरुद्ध धारा. 376(3) भारतीय दण्ड संहिता, धारा 3/4 (2) पोक्सो अधिनियम व धारा 3(1) (w) (ii) व 3(2) (v) अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम के अपराध का प्रसंज्ञान लिया जाता है तथा उसके विरुद्ध कार्यवाही की जाकर उसे तलब कर उसका विचारण, विचाराधीन अभियुक्त पपुराम के साथ किये जाने का आदेश दिया जाता है। अतः अभियुक्त मूलाराम पुत्र खेताराम जाट निवासी केकड तहसील सेडवा जिला बाडमेर जरिये वारंट गिरफ्तारी से तलब हो । प्रकरण के न्यायोचित निस्तारण हेतु यहाँ यह भी आदेश दिया जाना उचित होगा कि उक्त मुलजिम मूलाराम की उपस्थिति सुनिश्चित होने के पश्चात् सक्षम चिकित्सा अधिकारी से उसकी पुरुषत्व जाँच करवायी जावे तथा उसके खून का एफ.टी.ए. कार्ड पर नमूना लिया जाकर उसे संरक्षित कर एफ.एस.एल. जाँच हेतु भेजा जावे तथा पीडिता के कपड़ों व वेजाईनल स्वाब व स्मेयर में पाये गये मानव वीर्य से उसका डी.एन.ए. परीक्षण करवाया जावे तथा घटना स्थल से जब्त अण्डरवीयर (LUX COZI) से मुलजिम मूलाराम के खून का डी.एन.ए. परीक्षण भी करवाया जावे ।"

4. *The prayer clause contained in S.B. Criminal Revision Petition No.1244/2024, titled Mula Ram vs. State of Rajasthan & Anr., is also reproduced below for ready reference:-*

"It is, therefore, most humbly and respectfully prayed before this Hon'ble Court to be pleased call for the record of trial court and after hearing the counsel for the petitioner be pleased to allow. **This revision petition and quash the order of trial court dated 26.07.2024 or pass such order as the Hon'ble Court may deem fit and proper in the interest of justice.**"

5. *A Coordinate Bench of this Court, after hearing S.B. Criminal Revision Petition No.1244/2024, dismissed the same by a detailed order dated 19.03.2026. The order dated 19.03.2026 is reproduced below for ready reference:-*



"1. The instant criminal revision petition has been preferred by the petitioner assailing the order dated 26.07.2024 passed by the learned Special Judge, POCSO Act Cases, Balotra in Sessions Case No.14/2023, whereby the application moved on behalf of the complainant under Section 319 of the Cr.P.C., 1973, has been allowed, and the present petitioner has been directed to be arrayed as an additional accused, with consequential issuance of process against him.

2. I have heard learned counsel for the parties at length and have meticulously perused the impugned order as well as the material available on record.

3. Briefly stated, the prosecution case originates from FIR No.228/2022, registered at Police Station Sedwa, District Barmer for offences punishable under the relevant provisions of the Indian Penal Code, the POCSO Act, and the SC/ST (Prevention of Atrocities) Act, wherein allegations of rape were levelled against the present petitioner along with co-accused Papu Ram. Upon completion of investigation, however, the police filed the charge-sheet only against co-accused Papu Ram, exonerating the present petitioner without assigning cogent reasons.

3.1. Subsequent to the commencement of trial, the prosecutrix (victim "G") was examined as PW-1. In her examination-in-chief, on oath, she categorically levelled allegations of rape against the present petitioner. It is noteworthy that such allegations were not an embellishment introduced at a belated stage; rather, they find mention right from the inception, including in the FIR and in her statements recorded during investigation. Even during cross-examination, she remained steadfast and consistent, reiterating the allegations not only of sexual assault but also of criminal intimidation attributed to the petitioner.

3.4. The jurisprudence surrounding Section 319 Cr.P.C. has, over time, been expounded and crystallized through a catena of authoritative pronouncements, and thus the law in this regard is no longer res integra. The provision stands as a potent instrument in the hands of the trial court, enabling it to transcend the मेरिमत contours of the



police report and to independently assess the evidentiary material that unfolds during the course of trial.

3.5. At its core, Section 319 Cr.P.C. is founded upon the paramount principle that the administration of criminal justice cannot be rendered subservient to investigative lapses or omissions. The legislature, in its wisdom, has consciously employed expansive phraseology "any person not being the accused" so as to vest the court with wide amplitude to summon even those individuals who were either not charge-sheeted, or were consciously exonerated by the investigating agency, or whose involvement surfaced only subsequently during trial.

3.6. The power, though extraordinary in nature, is neither unguided nor unbridled. It is circumscribed by a stringent evidentiary threshold. The court must arrive at a prima facie satisfaction of a higher degree, more compelling than that required at the stage of framing of charge. The evidence must be substantial, cogent, and indicative of active complicity, such that, if left un rebutted, it would reasonably lead to conviction. A mere suspicion, conjecture, or possibility of involvement is not sufficient to invoke this provision.

3.7. What assumes particular significance is that the satisfaction of the court must emanate strictly from the evidence adduced during trial, such as statements recorded on oath before the court, and not merely from the material collected during investigation under Section 161 Cr.P.C. This ensures that the power is exercised on the basis of tested and judicially scrutinized evidence, rather than on unverified investigative inputs.

3.8. Furthermore, the stage of invocation of Section 319 Cr.P.C. is also of considerable breadth. The provision can be pressed into service at any stage after commencement of inquiry or trial, thereby enabling the court to respond dynamically to the evidentiary developments as they unfold. This dynamic character ensures that the trial does not proceed in a truncated or incomplete manner by excluding persons who appear, from the evidence, to be equally culpable.

3.9. Another defining characteristic of Section 319 Cr.P.C. is its role as a judicial safeguard against arbitrary or perfunctory investigation. Where the investigating



agency, for reasons either inadvertent or deliberate, fails to array a person as an accused despite material indicating his involvement, the court is not rendered powerless. Rather, it is under a solemn duty to step in and uphold the majesty of law by ensuring that all real offenders are brought within the fold of trial.

3.10. Thus, the provision embodies a delicate balance, on the one hand, it protects individuals from being summoned on the basis of flimsy or speculative material; on the other, it ensures that no guilty person escapes prosecution merely because of investigative deficiencies.

3.11. In summation, Section 319 Cr.P.C. is a manifestation of the court's inherent commitment to truth, fairness, and completeness of justice, empowering it to summon and try any person against whom strong and convincing evidence emerges during trial, irrespective of the conclusions drawn by the police.

Applying the aforesaid settled principles to the facts at hand, it is manifest that the name of the present petitioner was specifically mentioned in the FIR, and the allegations against him were consistently reiterated by the prosecutrix in her statements recorded during investigation.

3.12. More significantly, during trial, while deposing as PW-1, the victim unequivocally attributed specific acts constituting the offence of rape to the petitioner. Her testimony remained unshaken and consistent even during cross-examination. At this stage, there is no material on record to prima facie infer that the prosecutrix is unreliable or that her testimony suffers from inherent improbabilities. The evidentiary threshold required under Section 319 Cr.P.C. thus stands satisfied, inasmuch as there exists substantive and incriminating evidence before the Court indicating the complicity of the petitioner.

3.13. It is also evident that despite the existence of such material during investigation, the police, for reasons not borne out from the record, chose to exonerate the petitioner and did not array him as an accused. In such circumstances, the Court is not only empowered but duty-bound to give full effect to the legislative mandate embodied in Section 319 Cr.P.C., so as to ensure that no



culpable individual evades trial on account of investigative lapses.

3.14. In view of the foregoing analysis, this Court is of the considered opinion that the learned trial court has exercised its jurisdiction under Section 319 Cr.P.C. in a judicious and legally sustainable manner. The order impugned reflects due application of mind and is founded upon cogent and credible evidence emerging during trial.

3.15. Considering the overall facts and circumstances of the case this Court is of the opinion that the impugned order does not suffer from any illegality, irregularity, jurisdictional error, or perversity warranting interference by this Court in exercise of its revisional jurisdiction.

4. Consequently, the present revision petition, being devoid of merit, fails and is hereby dismissed.

5. All pending applications, if any, shall also stand dismissed accordingly."

6. After dismissal of S.B. Criminal Revision Petition No.1244/2024, the petitioner filed an application before the competent criminal Court under Sections 70(2) and 294 Cr.P.C., inter alia, contending that he had been falsely implicated in the present case; that the victim had already entered into a compromise with the co-accused, Moola Ram; and that the FIR had been lodged with gross delay. On these premises, the petitioner prayed that the arrest warrant issued against him, as well as all consequential criminal proceedings, be quashed and set aside. Reliance was placed on the following judgments:-

1. "Manohar Lal Saini & Ors. vs. State of Rajasthan reported in 2016 (1) Cr. LR (Raj.) 184"

2. "Archana Mishra vs. State of U.P. reported in (2019) 3 Crimes 78 (SC)."

3. "Abdulla Vs. State of Rajasthan reported in 2012 (4) WLC (Raj.) 67."

4. "Smt. Kala Devi vs. State of Rajasthan passed in S.B. CrI. Misc. Petition No.38/2015 decided on 21.01.2015"

5. "The State of U.P. vs. Anurudh & Anr. reported in 2026 INSC 47 (SC)."

7. Heard.

8. Having heard the learned counsel for the parties and having perused the material available on record, this Court finds that the learned trial Court, after taking into consideration the



overall facts and circumstances of the case and also the fact that, vide order dated 26.07.2024, cognizance had already been taken against the petitioner and he had been summoned through an arrest warrant, rejected the application filed under Sections 70(2) and 294 Cr.P.C. The learned trial Court further noticed that the challenge laid by the petitioner to the order dated 26.07.2024 by filing S.B. Criminal Revision Petition No.1244/2024 had already been negated by this Court.

9. *Today, when the matter was taken up, learned counsel for the petitioner raised almost identical submissions to those which had been advanced while challenging the order dated 26.07.2024 in S.B. Criminal Revision Petition No.1244/2024. This Court is conscious of the fact that, while exercising revisional jurisdiction, it is required to confine itself to examining the correctness, legality and propriety of the order passed by the trial Court. This Court cannot undertake an evaluation of the evidence available against the accused so as to record findings on merits. It is pertinent to note that, in the present case, a Coordinate Bench of this Court, after examining the entire material available on record in detail, vide order dated 19.03.2026, has already upheld the order dated 26.07.2024 taking cognizance against the petitioner and directing that he be summoned through an arrest warrant.*

10. *This Court finds no patent illegality, perversity, or jurisdictional error in the impugned order passed by the learned trial Court. Thus, no case for interference with the impugned order dated 08.05.2026 is made out.*

11. *Consequently, the present criminal revision petition deserves to be and is hereby dismissed.*

12. *All pending applications, if any, also stand disposed of."*

6.6 Considering the overall facts and circumstances of the case, this Court finds that the validity of the impugned order dated 26.07.2024 passed by the learned Trial Court cannot be gone into again by this Court while dealing with the application under Section 438 Cr.P.C. As far as the judgment relied upon by the learned counsel for the applicant is concerned, a bare perusal of the judgment passed by the Division Bench of this Court in the case of "**Manohar Lal Saini (supra)**" will reveal that the Court



has rather specified that against the order passed under Section 319 Cr.P.C., the accused has either of two remedies i.e. (i) he can file a petition under Section 482 Cr.P.C. or (ii) can also file an anticipatory bail application. For the sake of convenience, paragraph-59 of the judgment is quoted as under:-

"If the Court, by taking cognizance against a person at the stage of invocation of power under Section 319 of the Code, decides to join him as an accused, such person cannot approach the court to recall the order but he certainly has the remedy of challenging that order before this Court invoking provisions of Section 482 of the Code. He also has the remedy to apply for anticipatory bail under Section 438 of the Code. Though the court having issued bailable warrant, would not be, in the event of appearance of the accused, without any new development in between, justified in reconsidering its decision on the same material and sending the accused behind the bars, but at the same time we must hasten to add that the court is not powerless, if any intervening circumstances justify sending the accused behind the bars, despite being summoned by bailable warrant and it may do so on its own or at the instance of prosecution/complainant. We may, by way of illustration, narrate few such circumstances, namely, (i) the accused, in response to the bailable warrant so issued, has failed to attend the proceedings of the court on given date and time or (ii) has violated any condition of the bail bond or (iii) that the court later on comes to know that he was a habitual offender and has abused the liberty of bail by repeatedly committing offence(s) or (iv) that he has intimidated the witnesses or tempered with evidence, or (v) there is likelihood of his feeling from justice, and so on and so forth. We are therefore not inclined to uphold the argument that it would attract the bar of Section 362 of the Code. And we may reiterate here again that if the court has taken a conscious decision to summon an accused by bailable warrant to appear before it on a particular date and to continue do so to attend until otherwise directed, and if the accused, having undertaken so by furnishing bail bond and surety/sureties, has appeared on such date and continues to appear on future dates, the court, without there being any supervening circumstance and valid reason, would not be justified in sending him behind the bars just because it at later point of



time changes its opinion and takes another view of the matter on the same material. "

6.7 Further, as far as judgment of "**Prabhu Chawla (supra)**" is concerned, the same deals with filing of a petition under Section 482 Cr.P.C. where there is availability of remedy of revision under Section 397 Cr.P.C. and it has been held that mere alternative remedy of revision would not take away the remedy of filing an application invoking inherent powers of the Court under Section 482 Cr.P.C.

6.8 In the present case, as far as the judgment of Prabhu Chawla (supra) is concerned, the same is not applicable. As far as Manohar Lal (supra) is concerned, the same would be of no help to the applicant as the applicant has already invoked the remedy of filing a revision petition and also challenged the order, whereby a prayer was made for converting the arrest warrant into the bailable warrant. Both the revision petitions have already been dismissed. Thus, in the present case the applicant has already invoked both the remedies available to him and failed at both the instances.

7. Thus, considering the overall facts and circumstances of the case, no case for grant of bail is made out. Accordingly, the present bail application is dismissed.

8. It is further, made clear that the findings recorded/observations made hereinabove are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J