

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

S.B. Criminal Miscellaneous 2nd Bail Application No. 14183/2024
Jitu @ Kana @ Kanhaiyalal S/o Shri Motilal, Aged About 22
Years, R/o Talai Mohalla, Pratapgarh, Dist Pratapgarh. (At
Present Lodged In Dist. Jail Pratapgarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Arun Kumar
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

26/03/2025

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.174/2021 registered at Police Station Pratapgarh, District Pratapgarh for the offences under Sections 302, 201 of IPC and Section 4/25 of Arms Act.

Learned counsel for the petitioner submitted that the prosecution case is that on 03.04.2021, the co-accused Pratham @ Prince Salvi had a heated argument with the deceased Darshan suspecting him of having eve- teased his sister. When the deceased Darshan tried to flee away from the scene, the petitioner chased him and caught hold of him whereupon the co-accused Pratham @ Prince Salvi suddenly attacked the deceased Darshan with a sharp weapon- Knife and inflicted knife blow on the neck and head of the deceased.

Learned counsel submitted that a bare perusal of the FIR would indicate that specific allegation of inflicting knife blow on

the neck and head of the deceased has been levelled against co-accused Pratham @ Prince Salvi. The petitioner had no motive to commit the alleged crime. The petitioner is in judicial custody since 07.04.2021 and till date, out of 33 cited prosecution witnesses, statements of only 9 prosecution witnesses have been recorded before the competent criminal Court.

Drawing attention of the Court towards the case file, learned counsel submitted that statements of the eye-witnesses of the alleged incident namely Lokendra Singh and Shakti Singh have already been recorded before the competent criminal Court. Shakti Singh during his Court statements has not supported the prosecution story and has turned hostile.

Lastly, learned counsel submitted that the petitioner is in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

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

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that the specific allegation of inflicting knife blow to the deceased has been levelled against the co-accused Pratham @ Prince Salvi; till date, out of 33 cited prosecution witnesses, statements of only 9 prosecution witnesses have been examined before the competent criminal Court. *Prima facie*, there is nothing on record to indicate

that the delay in trial is attributable to the present petitioner. This Court further *prima facie* finds that eye-witness of the alleged incident Shakti Singh during his Court statement has not supported the prosecution story and has turned hostile. Learned Public Prosecutor has not shown any apprehension of petitioner influencing the material prosecution witnesses of the case or fleeing away from justice, in case he is enlarged on bail by this Court. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the second bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Jitu @ Kana @ Kanhaiyalal S/o Shri Motilal** arrested in connection with F.I.R. No.174/2021 registered at Police Station Pratapgarh, District Pratapgarh shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

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.

(KULDEEP MATHUR),J