

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous Bail Application No. 105/2026
CNR: RJHC011192012025 | URN: CRLMB / 209U / 2026

1.

Arvind S/o Kantilal, Aged About 25 Years, Resident Of Hadpaliya, Police Thana Obri, District Dungarpur, Rajasthan.(Presently Lodged At District Jail Dungarpur)
2.

Amritlal S/o Maneng, Aged About 26 Years, Resident Of Hadpaliya, Police Thana Obri, District Dungarpur, Rajasthan.(Presently Lodged At District Jail Dungarpur)

-----Petitioners

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. JVS Deora

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

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

03/08/2026

1. This application for bail has been filed by the petitioners 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	74/2025
2.	Date of lodging FIR	23.11.2025
3.	Concerned Police Station	Obri
4.	District	Dungarpur
5.	Offences alleged in the FIR	Sections 103(1) of the BNS
6.	Offences added, if any	Sections 3(5) of the BNS

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case and false allegations have been levelled against them.

2.1 While referring to the post-mortem report, learned counsel for the petitioners submits that the deceased sustained two injuries and the injury No.2 is opined to be simple in nature and the injury No.1 is stated to be caused by blunt weapon and is opined to be dangerous to life. As per the medical opinion, the death of the deceased occurred on account of Injury No. 1. He further submits that there is no eyewitness to the alleged incident and that the case of the prosecution entirely based on circumstantial evidence.

2.2 Learned counsel contends that the material collected during the course of investigation indicates that Injury No. 1, which resulted in the death of the deceased, is alleged to have been inflicted by co-accused Rakesh. He further contends that blood-stained clothes have been recovered from the possession of co-accused - Rakesh. So far as petitioner No. 1- Arvind, is concerned, only a Motorcycle has been recovered from him which is alleged to be used in committing the crime in question, whereas no recovery whatsoever has been effected from petitioner No. 2- Amrit.

2.2 Based on the above submissions, learned counsel contends that the fatal Injury No. 1, which resulted in the death of the deceased, has been specifically attributed to co-accused-Rakesh. The petitioners are in judicial custody since 26.11.2025 and the trial will take sufficiently long time, therefore, they deserve to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application, however does not refute the fact that injury No.1 is the cause of death and the same is attributed to co-accused Rakesh.

4. Heard learned counsel for the petitioners 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 so also considering the facts that the principal allegation regarding infliction of Injury No. 1, which resulted in the death of the deceased, has been attributed to co-accused Rakesh; the present petitioners have been implicated primarily on the basis of their tower location; no weapon or blood-stained clothes have been recovered from the possession of the present petitioners; further, except for the recovery of a motorcycle allegedly used in the commission of the offence from petitioner No. 1- Arvind, no incriminating recovery has been effected from either of the petitioners; 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 applications filed under Section 483 of BNSS is allowed. It is ordered that petitioners- **Arvind S/o**

Kantilal and **Amritlal S/o Maneng**, shall be released on bail in connection with the aforesaid FIR; provided they execute personal bond in the sum of Rs.50,000/- each with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for their 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