

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Second Bail Application No.
1656/2026
URN: CRLMB / 2956U / 2026

1.

Pawan Kumar @ Chintu S/o Ramchandra, Aged About 32 Years, R/o Ramnagar Richawa P.s. Bakani, Dist. Jhalawar (At Present Confined In District Jail Jhalawar).
2.

Chouthmal S/o Suresh Chand, Aged About 21 Years, R/o Bindyakhedi, P.s. Ratlai, Dist. Jhalawar. (At Present Confined In District Jail Jhalawar).

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)

:

Mr. Prakash Kumar Jha

For Respondent(s)

:

Mr. Jaiprakash Tiwari, PP

For Complainant

:

Mr. Harendra Singh Sinsinwar with
Mr. Ravi Yadav

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

14/07/2026

1.

The petitioners have preferred the present second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with FIR No. 81/2025 registered at Police Station Mandawar (Jhalawar), District Jhalawar for the offences punishable under Sections 61(2), 103(1), 190, 191(3) and 191(2) of the Bharatiya Nyaya Sanhita, 2023.
2.

Heard learned counsel for the petitioners, learned Public Prosecutor, as well as learned counsel for the complainant, and perused the material available on record.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. He further submits that the names of the petitioners do not find mention in the FIR and there is no independent eye-witness account implicating them. It is submitted that the statement of the eye-witness, Abhishek, wherein he has allegedly disclosed the names of the present petitioners, suffers from material contradictions. It is further submitted that there is no material evidence available on record to establish the involvement of the petitioners in the alleged occurrence. No recovery has been effected from the petitioners. None of the material witnesses have specifically stated about the involvement of the present petitioners. The statements of material witnesses from PW-1 to PW-8 have already been recorded. The petitioners are in judicial custody since 05.06.2025, have no criminal antecedents, and the trial is likely to take considerable time. Therefore, no useful purpose would be served by keeping the petitioners in further custody, and hence, the bail application deserves to be allowed.

4. Learned Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the bail application. Learned counsel for the complainant submits that the statement of eye-witness Abhishek clearly discloses the involvement of the present petitioners. It is further submitted that the post-mortem report supports the prosecution case and the injuries sustained by the deceased are consistent with the allegations made against the accused persons. It is also submitted that the involvement and active participation of the present petitioners is established from

the material available on record, including the analysis of call detail records. In view of the seriousness of the offence and the material available on record, the bail application filed by the petitioners deserves to be rejected.

5. I have given my thoughtful consideration to the rival submissions advanced by the learned counsel for the parties and have carefully perused the material available on record.

6. It is well settled that while considering an application for bail, the Court is not expected to undertake a meticulous examination or appreciation of the evidence, nor to record findings on the merits of the prosecution case. The only requirement is to assess whether the material collected during the investigation prima facie discloses the involvement of the accused and whether the facts and circumstances warrant the exercise of the Court's discretionary jurisdiction in favour of the petitioners.

7. In the present case, the statement of the eye-witness, Abhishek, prima facie attributes a specific role to the present petitioners in the commission of the alleged offence. The said version also finds prima facie corroboration from the medical evidence regarding the nature of the injuries sustained by the deceased. Furthermore, the investigation has yielded additional incriminating material, including the analysis of the Call Detail Records (CDRs), which prima facie lends support to the prosecution case.

8. Having regard to the gravity and nature of the accusations, the manner in which the offence is alleged to have been

committed, and the material collected during the investigation, this Court is of the considered opinion that the petitioners have failed to make out a case warranting the exercise of discretion in their favour at this stage.

9. Consequently, without expressing any opinion on the merits or demerits of the case, the second bail application filed by the petitioners is hereby dismissed.

(PRAMIL KUMAR MATHUR),J