

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 2282/2026

Shivcharan S/o Shri Tarachand
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 4466/2026
Sarika Khanam D/o Shri Sammi Khan
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

For Petitioner(s)	:	Mr. Abhishek B. Sharma Mr. Avinash Choudhary
For Respondent(s)	:	Mr. Vivek Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/03/2026

In S.B. Criminal Miscellaneous Bail Application No. 2282/2026:

Learned counsel for the accused-applicant has submitted that investigating agency has failed to investigate the mobile phone in question, thereby rendering the prosecution story doubtful and unsupported by tangible evidence. It is further submitted that the charge-sheet, as filed, is self-explanatory regarding the prosecution's story, and no further evidence is required in the present matter.

In light of the aforesaid facts and circumstances, this Court deems it apposite to issue a Show Cause Notice to the concerned Superintendent of Police as well as the Investigating Officer. They

are called upon to tender a justifiable explanation as to why there is an absolute absence on part of the investigating authority *qua* recovery of the mobile phone which constitutes crucial evidence in the present matter and as to why the investigation was carried out in such a lackadaisical manner before the charge-sheet was filed.

Consecutively, the Investigating Officer is directed to remain personally present before this Court on the next date of hearing, along with the entire relevant case record to explain the said absence of investigation *qua* the mobile phone.

The Superintendent of Police is also directed to appear before this Court on the next date of hearing through V.C.

List the matter tomorrow i.e., on 25.03.2026.

S.B. Criminal Miscellaneous Bail Application No. 4466/2026:

The instant Criminal Second Misc. (Interim) Bail Application is filed on behalf of the accused-applicant on account of the fact that the applicant is a pregnant lady who is presently carrying a pregnancy of 33 weeks. In support of the prayer for interim enlargement on bail, learned counsel has relied upon the ratios encapsulated by the Hon'ble Supreme Court in **Kajal v. State (NCT of Delhi)** reported in **2022 SCC OnLine Del 2531** and **Kamana Naykar Alias Kamana Singh v. State of Uttar Pradesh** reported in **2023 SCC OnLine SC 942**. Further, reliance has been placed upon the fundamental rights guaranteed under Article 21 of the Constitution of India.

Per contra, learned Public Prosecutor has sought an accommodation and prayed for time to study the matter.



[CRLMB-2282/2026]

Having heard the submissions put forth by learned counsel for the applicant and considering the urgency of the present case, list the matter tomorrow i.e. on 25.03.2026.

(SAMEER JAIN),J

JKP/s-128-129