

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous II Bail Application No. 2729/2026

Gopal Sharma S/o Ganesh Narayan Sharma, R/o C-1, Old
Vidyadhar Nagar, Jaipur.
(Accused Petitioner Presently Confined In Central Jail Jaipur)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Ashok Kumar Verma Mr. Suresh Kumar Meena Mr. Ajay Kumar Soni
For Respondent(s)	:	Mr. Devi Singh, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

23/02/2026

1. The instant second bail application has been filed under Section 483 BNSS on behalf of accused-petitioner. The accused-petitioner has been arrested in connection with FIR No. 37/2025 registered at Police Station Vidhyadhar Nagar, District Jaipur City (North) for the offences under Sections 309(6), 103(1) and 331(5) of BNS.
2. Learned counsel for the accused-petitioner submits that the accused-petitioner has falsely been implicated in this case. It is contended that accused-petitioner is in custody since more than a year and statements of only two witnesses have been recorded till date out of total 37 cited witnesses. It is argued that there was no connivance of the accused petitioner with the other co-accused. The call details taken during investigation revealed that petitioner

was in connection with the other co-accused from 14.11.2024 to 09.12.2024 and 31.07.2024 to 10.11.2024 and the alleged incident took place at the midnight of 06.12.2025. It is also contended that there was no call details available on record indicating the fact that petitioner was in connectivity with the other co-accused on or before the date of incident. It is also contended that there are several discrepancies in the recovery memo and statement of the witnesses. It is also contended that there are no criminal antecedents against the petitioner. The witness PW-1 in his statement has deposed that he is working for more than 25 years near the place of occurrence and while working near the place of occurrence, his location should reflect at that place, however, there is no exact location submitted by the prosecution. The petitioner has been implicated solely on the basis of doubt and there is no substantive evidence available on record indicating petitioner's presence and his indulgence in the said offence, therefore considering the aforesaid facts, the second bail application of the accused-petitioner may be allowed.

3. Learned Public Prosecutor opposed the bail application and contended that first bail application of the accused-petitioner was dismissed on merit by this court and thereafter only two witnesses have been examined. This court observed that petitioner was in connectivity with other co-accused and further at the instance of petitioner mobile phone and gold jewellery were recovered, which were duly identified by the complainant. It is alleged against the petitioner and other co-accused that after entering into the house of complainant, he caused murder of deceased and thereafter fled away with jewellery and other items therefore, considering the

aforesaid fact, the instant second bail application filed by accused-petitioner deserves to be dismissed.

4. Heard and perused the material available on the record.

5. The first bail application of the accused petitioner was dismissed on merit, observing the fact that petitioner was in connectivity with the other co-accused and his call location was also found near the place of occurrence. Further, gold articles were recovered at the instance of petitioner on the basis of information furnished under Section 27 of the Indian Evidence Act. Therefore, considering the aforesaid facts and without commenting anything on the merits of the case, this Court is not inclined to enlarge the accused-petitioner on bail.

6. Accordingly, the instant second bail application of the accused-petitioner is hereby dismissed.

(PRAVEER BHATNAGAR),J