

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 3080/2025

Harish @ Harishankar S/o Kodya, Aged About 40 Years, R/o Jarel
Police Station Sadar Jhalawar District Jhalawar (Raj) (At Present
Confined In District Jail, Jhalawar (Raj.)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Rohit Khandelwal
For Respondent(s)	:	Mr. Shriram Dhakar, PP with Mr. Shubham Sain, AAAG

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

17/03/2025

1. The instant bail application has been filed under Section 483 of BNSS, on behalf of the petitioner, who has been arrested in connection with FIR No.236/2024 registered at Police Station Jhalawar Sadar, District Jhalawar for the offence punishable under Section 103(1) of BNS.
2. It is contended by learned counsel for the petitioner that the accused-petitioner has falsely been implicated in this case. Learned counsel submits that death of petitioner's wife was occurred on account of accident. It is submitted that all the material witnesses including daughter of the petitioner as well as deceased have not supported the prosecution case and they have been declared hostile. It is contended that petitioner is in custody since 27.09.2024. Further custody of the petitioner would not

serve any fruitful purpose. Charge-sheet has been filed and trial will take time in its conclusion.

3. Learned Public Prosecutor oppose the submissions made by learned counsel for the petitioner and submits that petitioner is a habitual offender as nine other cases have been registered against him.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by both the parties, as also considering the fact that all material witnesses including daughter of deceased have been declared hostile by prosecution, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application.

6. This bail application is accordingly allowed and it is directed that accused-petitioner - **Harish @ Harishankar S/o Kodya**, shall be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall mark his presence in first week of every month in the concerned police station, till trial is concluded.

8. Concerned SHO is directed to maintain a register recording the attendance of the petitioner, as directed above. In case the petitioner fails to mark his presence in the concerned police station, as directed above, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

9. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial Court to cancel the bail granted to him by this Court.

10. The observation made herein above is only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J