

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5072/2026

Kamlesh Banjara S/o Sh. Nemichand, R/o Banjara Basti, Topdara Police Station Clock Tower, Ajmer. (At Present Confined In Central Jail, Ajmer).

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 5073/2026

Kuldeep Banjara S/o Sh. Nemichand, R/o Banjara Basti, Topdara Police Station Clock Tower, Ajmer. (At Present Confined In Central Jail, Ajmer).

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Kamlendra Sihag Mr. Kamlendra Rathore
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

24/04/2026

1. The petitioners have filed these bail applications under Section 483 of BNSS in FIR No.106/2025 registered at Police Station Clock Tower, Ajmer for offence under Section 318(4), 316(2) and 61(2) of BNS 2023.
2. Both these bail applications arise out of a common FIR, hence they are being decided by this common order.

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

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He further submits that, as per the prosecution case, the present petitioners, Kamlesh Banjara and his brother Kuldeep Banjara along with other family members, allegedly operated a deposit scheme (BC) by collecting certain amounts from different members of scheme. It is alleged that after collecting the money, the petitioners neither gave any return nor repaid the same to the members and absconded with collected amount, thereby committed offences of cheating and criminal breach of trust.

5. It is submitted that initially, a single FIR was registered mentioning cheating with all members collectively. However, later on, in order to give the matter a more serious dimension, separate FIRs have been registered by different members of the same group all stemming from the very same transaction, thereby artificially inflating the gravity of the alleged offence and the criminal liability of the petitioners. Learned counsel further contends that the case is exclusively triable by a Magistrate and the petitioners are behind the bars since 29.08.2025. Though several cases have also been reported against the present petitioners but as stated earlier, all have emerged from the very same transaction. Charge-sheet has already been filed. The petitioners are residents of the concerned district and there is no likelihood of their absconding. It is argued that the trial is likely to take considerable time; therefore, no useful purpose would be served by keeping the

petitioners in continued custody, and the bail applications deserve to be allowed.

6. Per contra, learned Public Prosecutor has vehemently opposed the bail application and submitted that the petitioners are habitual offenders and have been involved in cheating several persons by dishonestly inducing them to part with money for illegal monetary gains, therefore, the bail applications of the petitioners may be dismissed.

7. On consideration of the rival submissions and material available on record and in the light of submission made by learned counsel for the petitioners especially the fact of long incarceration as well as the filing of the charge-sheet but without expressing any opinion on merits/demerits of the case, I am inclined to grant benefit of bail to the petitioners.

8. Consequently, the bail applications under Section 483 B.N.S.S. are allowed and it is directed that the petitioners **Kamlesh Banjara S/o Sh. Nemichand and Kuldeep Banjara S/o Sh. Nemichand**, be released on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation that they shall appear before that Court on all subsequent dates of hearing till conclusion of the trial with following further conditions:-

- (i) that the petitioners shall mark their presence before the SHO, Police Station Police Station Clock Tower, Ajmer in every 15 days of each month till conclusion of trial.

(ii) The concerned SHO is directed to maintain a register for this purpose. In case, the petitioners fail to mark their presence in the concerned Police Station as directed above, the concerned SHO is directed to immediately report the matter to trial court in this regard.

(iii) The petitioners shall not repeat any offence in future.

(iii) If breach of any of the directions is reported or come to the notice of the trial court the same shall alone be a reason for learned Public Prosecutor to apply for cancellation of bail and trial court shall be at liberty to cancel the bail.

(PRAMIL KUMAR MATHUR),J