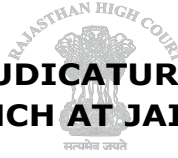




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous IV Bail Application No. 7118/2026

Ummar S/o Jumma, Aged About 46 Years, R/o Jhantali Police Station Sikari District Deeg Rajasthan. (Presently The Accused Is In Judicial Custody In District Jail Deeg).

-----Accused-Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Manish Gupta, Adv.
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

07/05/2026

1. This fourth bail application has been filed under Section 483 of BNSS on behalf of the petitioner, who has been arrested in connection with FIR No.359/2024 registered at Police Station Sikari, District Deeg for the offences punishable under Sections 189(2), 115(2), 126(2), 125, 332(C) and 352 of BNS, 2023. After completion of investigation, police filed charge-sheet in this matter.

2. Learned counsel for the petitioner submits that while rejecting the third bail application, learned trial Court was requested to make all endeavour to conclude the trial within a period of four months from the date of receipt of certified copy of this order. It was also directed to send a copy of this order to the learned trial Court. He further submits that more than four months have already been passed, but trial is still pending. It is also



contended that not a single witness has been examined in last four months. Thus, this fourth bail application has been preferred by the petitioner.

3. It is contended by learned counsel for the petitioner that petitioner has falsely been implicated in this case. Learned counsel has placed the medical report of the petitioner and case summary:

"45-year-old male prisoner, presented to the Emergency Department of SMS Hospital with complaints of fever and shortness of breath. He was admitted to Medicine Unit 3 as a medico-legal case with a provisional diagnosis of pyrexia of unknown origin with right-sided pleural effusion and massive pericardial effusion. On admission, a 2D echocardiography was performed, which revealed massive pericardial effusion with features of cardiac tamponade, following which urgent cardiology consultation was obtained and pericardiocentesis was performed. A comprehensive fever profile was carried out and was within normal limits. HRCT chest suggested a tubercular etiology. Sputum examination including CBNAAT was sent, and along with AFB testing, temperature charting and other routine investigations were performed. The patient was started on intravenous antibiotics and closely monitored. Pericardial fluid was sent for cytological and biochemical analysis, which was suggestive of tubercular etiology. Based on clinical, radiological, and laboratory findings, anti-tubercular therapy (ATT) was initiated. The patient showed gradual clinical improvement during the hospital stay, vitals remained stable, and the medico-legal case formalities were completed and cleared. The patient is being discharged in stable condition with advice to continue ATT and other prescribed medications, along with regular follow-up in Medicine and Cardiology outpatient departments."

4. Learned counsel for the petitioner further submits that the petitioner has already suffered incarceration of more than 16 months. He argues that other co-accused persons have already been granted benefit of bail by this Court. He further argues that anyway, petitioner has right to get treatment as per his choice in



healthy environment. He contends that trial will take considerable time in its conclusion. He further contends that petitioner is in custody since his date of arrest and further custody of the petitioner would not serve any fruitful purpose.

5. Learned Public Prosecutor opposes the submissions made by the learned counsel for the petitioner, but failed to controvert the fact regarding deterioration of petitioner's health as observed by the medical expert.

6. I have considered the contentions.

7. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the petitioner, especially the fact that petitioner is seriously ill and he has right to get treatment as per his choice in presence of the family members; charge-sheet has been filed; other co-accused persons have been granted benefit of bail by this Court and trial will take time in its conclusion as well as looking to the custody period, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the fourth bail application.

8. This fourth bail application is accordingly allowed and it is directed that accused-petitioner – **Ummar S/o Jumma** shall be released on bail provided, he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty 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.

8. It is made clear that the petitioner shall not involve in similar offence(s) during currency of bail granted by this Court.

9. If breach of this condition 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. Office is directed to send copy of this order to the concerned SHO for necessary compliance.

11. The observation made hereinabove 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