

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 9365/2026

Kamlesh Jayantbhai Rathod S/o Late Shri Jayantbhai Rathod, Aged About 56 Years, R/o B-1 Rutvi Vihar, Swastik Society, Near Chidiya Khana, Jamnagar, Gujrat. Presently Residing At Flat No. 302, Royal Ensign, A-6, Prathvi Raj Road, C-Scheme, Jaipur, Rajasthan. (Presently Accused Confined In Central Jail, Jaipur)

-----Petitioner

Versus

Central Bureau Investigation (CB.I.), Through Special Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Ankit Sethi with Mr. Hemant Singh Shekhawat
For Respondent(s)	:	Mr. Pradeep Kumar Choudhary, SPP Mr. Ashish Rastogi, I.O.

HON'BLE MR. JUSTICE RAVI CHIRANIA (V.J.)

Order

1.	Date of conclusion of Arguments	19.06.2026
2.	Date on which the order was reserved	19.06.2026
3.	Whether the full order or only operative part is pronounced	Full
4.	Date of pronouncement	22.06.2026

1. The instant second bail application has been filed by the petitioner -Kamlesh Jayantbhai Rathod, under Section 483, B.N.S.S., 2023 who was arrested in connection with FIR No. RC0302025A0015, dated 25.11.2025, registered at Police Station Special CBI, Jaipur, District Jaipur, for the offences punishable under Sections 7, 7A, 8, 9, 10 & 12 of Prevention of Corruption Act and Section, 61(2) of B.N.S., 2023. The petitioner filed the

first bail application before this Court which came to be rejected vide order dated 26.05.2026.

2. Learned counsel for the petitioner, while emphasizing the facts of the case, submitted that the FIR was registered by the CBI on 25.11.2025. He further submitted that, on the same date, another Member (Judicial) of the ITAT was arrested on allegations of corruption in relation to certain orders passed by him while functioning as a Member (Technical) in appeals before the Bench. He also submitted that the petitioner was arrested on 26.11.2025. Learned counsel specifically submitted that the allegations levelled against the petitioner are falsely baseless. It is further submitted that after conducting the investigation, the CBI has filed a voluminous charge-sheet against the petitioner. It is further submitted that the petitioner's mother is a bedridden *nonagenarian*, and he, being her only son, is responsible for taking care of her. On the above grounds, learned counsel contends that, as a voluminous charge-sheet has been filed, the trial is likely to take a considerable time to conclude and there is no object for keeping the petitioner behind the bars for an indefinite period.

3. It is further submitted that the Hon'ble Apex Court, in catena of judgments, has repeatedly observed and held that no person can be kept behind the bars for an indefinite period during the pendency of trial. However, in order to secure the presence of the accused during trial, fair, reasonable and appropriate conditions can be imposed by the Courts in the interest of justice. Learned counsel further stressed upon the settled principle of law that '*bail is the rule and jail is an exception*'. On the basis of the aforesaid

grounds, learned counsel prayed that the accused petitioner may be enlarged on bail.

4. Learned Special Public Prosecutor, Mr. Pradeep Kumar Choudhary, appeared through Video conferencing and assisted by Investigating Officer- Mr. Ashish Rastogi, strongly opposed the bail application. He submitted that the allegations against the petitioner, as reported in the FIR, are of serious nature. Learned counsel further submitted that in the facts and circumstances of the case at hand, since the rejection of the petitioner's earlier bail application, there has been no change in circumstances and therefore, the petitioner does not deserves to be enlarged on bail by this Court.

5. Heard learned counsel for the parties and perused the material available on record.

6. Considering the allegations levelled in the FIR as well as the charge-sheet filed by the CBI, this Court noted that a voluminous charge-sheet running into hundreds of pages has been filed. The petitioner is behind the bars since 26.11.2025 and a period of about seven months has already been passed. This Court is aware of the fact that the Hon'ble Apex Court has repeatedly observed and held in numerous judgments that bail is the rule and jail is an exception and that an accused cannot be kept in custody for an indefinite period after filing of the charge-sheet, unless there are compelling reasons to do so, more so, when investigation is already complete. Taking into consideration the overall facts and circumstances of the present case and in view of the above discussion, this Court is inclined to enlarge the present petitioner on bail.

7. Accordingly, this bail application is allowed and it is directed that accused-petitioner **Kamlesh Jayantbhai Rathod S/o Late Shri Jayantbhai Rathod** shall be released on bail in connection with FIR No.0302025A0015, dated 25.11.2025, Police Station Special CBI, Jaipur, District Jaipur, provided he executes a personal bond in a sum of Rs.1,00,000/- along with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of the learned trial Court for his appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial. The bail is granted to the petitioner subject to the following further conditions:-

- (i) The accused-petitioner shall surrender his passport, if any, before the learned trial Court upon his release on bail.
- (ii) The accused-petitioner shall not leave India without the prior permission of the learned trial Court.
- (iii) The accused-petitioner shall not influence any witness or any person directly or indirectly connected with the case, and shall regularly attend the trial proceedings without fail.

8. The petitioner is further directed not to take undue advantage of liberty. It is made clear that the observations as made by this Court in the bail application will not affect the trial of the case.

(RAVI CHIRANIA (V.J.)),J