

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 8961/2025

Shahjad @ Pappi S/o Munnabhai, Aged About 35 Years, R/o Radi Ke Balaji Road Jhalawar, Police Station Kotwali Jhalawar, District Jhalawar (Raj.) (At Present Confined District Jail Jhalawar).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. N. A. Naqvi, Sr. Advocate assisted by Mr. Happy Sharma
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP Mr. Mohd. Haris with Ms. Nehul Dhabai

HON'BLE MR. JUSTICE SAMEER JAIN

Order

18/03/2026

1. The instant bail application has been filed under Section 483 BNSS on behalf of accused-applicant. The accused-applicant was arrested in connection with FIR No. 452/2023 registered at Police Station Kotwali District Jhalawar for the offence(s) under Sections 341, 323, 302, 379 and 34 of IPC.
2. Learned counsel for the accused-applicant submits that the applicant is sole bread earner of the family, aged about 35 years. It is submitted the charge-sheet has already been filed in the matter and that the witnesses, who are the nearby shopkeepers (PW-2 and PW-4), have turned hostile. It is also submitted that recovery of knife has been taken place from an open place and not from the applicant. It is next submitted that

there are no criminal antecedents registered against the applicant. Furthermore, it is submitted that co-accused-Azad, whose bail has been rejected, was also known by the name of Pappi and consecutively, the identity of the present applicant is mistakenly taken as Pappi.

3. *Per contra*, learned Public Prosecutor along with counsel for the complainant have vehemently opposed the instant bail application. It is submitted that allegations of heinous offence have been levelled against the applicant. It is further submitted that CCTV footage recovered from the place of incidence, duly supported by the certificate under Section 65 of the Indian Evidence Act, is also supportive of the prosecution story. It is also submitted that there exist a motive to commit the said act on part of the applicant as the victim-deceased has married to former spouse of the applicant, after divorce between the applicant and his wife has taken place. It is submitted that the recovery of knife used for the commission of the said offence has already taken place. It is also submitted that it is only to confuse the Court that the co-accused-Azad is also known by the Pappi and not the present accused-Shahjad. Lastly, it is submitted that continuous and serious threats have been given to PW5, who is the primary eyewitness of the said offence and has supported the story of prosecution.

4. Having heard the arguments advanced by the learned counsel for the parties and considering the fact that CCTV footage recovered from the place of incidence, duly supported by the certificate under Section 65 of the Indian Evidence Act, is supportive of the prosecution story; that the recovery of knife

used for the commission of the said offence has already taken place; that continuous and serious threats have been given to PW5, who is the primary eyewitness of the alleged offence and has supported the story of prosecution; that *prima facie* there appears to be a motive on part of the applicant for the commission of the alleged offence, looking to the overall facts and circumstances of the case and material on record but without commenting on merits/demerits of the case, this court is not inclined to allow the bail application of the accused-applicant.

5. Accordingly, the bail application under Section 483 BNSS is dismissed.

(SAMEER JAIN),J