

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

S.B. Criminal Miscellaneous 4th Bail Application No. 10528/2026
CNR: RJHC020620772026 | URN: CRLMB / 19524U / 2026

Hanuman Prasad S/o Gyarsilal, Aged About 33 Years, R/o Village Bilota, Police Station Aligarh, District Tonk. (At Present Confined At Jail, Tonk).

-----Petitioner

Versus

State of Rajasthan, through PP

-----Respondent

For Petitioner(s)	:	Mr. Rajesh Goswami with Mr. Garvit Saraswat Mr. Jay Bhardwaj
For Respondent(s)	:	Ms. Arti Sharma, Public Prosecutor

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

06/08/2026

1. The instant fourth bail application has been filed under Section 483 of BNSS, 2023 on behalf of accused-petitioner in connection with FIR No.164/2024 registered at Police Station Kotwali Tonk, District Tonk for the offences under Sections 3/10 of the Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022 and Sections 419, 420, 465, 467, 468, 471 and 120-B IPC.
2. Earlier first bail application of the petitioner was dismissed as withdrawn vide order dated 21.10.2024. The second bail application of the petitioner was dismissed as withdrawn vide order dated 23.05.2025 and his third bail application was also dismissed on merits vide order dated 24.07.2025.

3. Learned counsel appearing for the petitioner submits that after rejection of third bail application, the accused-petitioner has approached the Hon'ble Supreme Court by filing Special Leave to Appeal (Crl.) No.14698/2025. He further submits that though the Hon'ble Supreme Court did not interfere in the order of rejection of bail application however, a liberty was granted to the petitioner to renew his bail application before the trial Court, after six months, in the event that the trial does not proceed further, in which case the order of rejection of bail application, passed by the trial Court and the High Court will not stand in the way. Learned counsel further submits that after passing of the order by Hon'ble Supreme Court on 27.11.2025, the trial of the case has not proceeded as there is requirement to proceed with the trial in view of incarceration of the accused-petitioner. Learned counsel further submits that on 2-3 occasions, the prosecution has sought adjournment for getting completion of examination of material witness-Naman Sharma. Thereafter, the matter is pending for orders on an application submitted by the co-accused and no any other witness has been examined so far.

4. Learned counsel further submits that the accused-petitioner is in custody since 08.07.2024 and the allegation against him is of sitting as dummy candidate for appearing in the competitive examination in place of actual and original candidate. Learned counsel also submits that the original candidate Ramlal has already been enlarged on bail by this Court vide order dated 10.07.2024.

5. Learned Public Prosecutor, on the other hand, has opposed the bail application and submits that the accused-petitioner who is a public servant is involving in such like matter is very grave and serious and he is facing trial of other criminal cases of similar nature apart from three other cases as mentioned in the rejection bail order.

6. Considered the submissions made by counsel for the petitioner as well as learned Public Prosecutor and also perused the material made available on record.

7. The accused-petitioner is said to be in custody since 08.07.2024 and till date, out of total 37 prosecution witnesses, only 1 witness has been examined in part. The Hon'ble Supreme Court vide order dated 27.11.2025 while dismissing the Special Leave to Appeal preferred by the petitioner against the order of rejection of bail application by this Court, has granted liberty to the petitioner to renew his bail application before the trial Court, after six months, if the trial does not proceed further.

8. The petitioner has placed on record the order-sheets of the learned trial Court. On perusal of the order-sheets, it is revealed that trial of the case is not proceeded step ahead on account of various reasons though, the same is not attributed to the accused-petitioner.

9. The Hon'ble Apex Court, in the case of **Sanjay Chandra Vs. Central Bureau of Investigation, reported in (2012) 1 SCC 40** vide para 42 and 43 has observed as follows:-

"42. When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the

Constitution is violated. Every person, detained or arrested, is entitled to speedy trial, the question is: whether the same is possible in the present case.

43. There are seventeen accused persons. Statements of witnesses run to several hundred pages and the documents on which reliance is placed by the prosecution, are voluminous. The trial may take considerable time and it looks to us that the appellants, who are in jail, have to remain in jail longer than the period of detention, had they been convicted. It is not in the interest of justice that the accused should be in jail for an indefinite period. No doubt, the offence alleged against the appellants is a serious one in terms of alleged huge loss to the State exchequer, that, by itself, should not deter us from enlarging the appellants on bail when there is no serious contention of the respondent that the accused, if released on bail, would interfere with the trial or temper with evidence. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet."

10. The Hon'ble Apex Court, in the case of **Manish Sisodia Vs. Directorate of Enforcement (in Criminal Appeal No.----/2024) arising out of SLP (Criminal) No. 8781/2024**, decided on 09.08.2024 has observed as follows:-

*"34. In this respect, we may also gainfully refer to one of the recent pronouncements by a bench of this Court to which one of us (B.R. Gavai, J.) was a member in the case of **Prabir Purkayastha v. State (NCT of Delhi)**⁴, which reads thus:*

"21. The Right to Life and Personal Liberty is the most sacrosanct fundamental right guaranteed under Articles 20, 21 and 22 of the Constitution of India.

Any attempt to encroach upon this fundamental right has been frowned upon by this Court in a catena of decisions. In this regard, we may refer to following observations made by this Court in the case of Roy V.D. v. State of Kerala³:—

"7. The life and liberty of an individual is so sacrosanct that it cannot be allowed to be interfered with except under the authority of law. It is a principle which has been recognised and applied in all civilised countries. In our Constitution Article 21 guarantees protection of life and personal liberty not only to citizens of India but also to aliens."

38. A Division Bench of this Court in the case of **Ramkripal Meena v. Directorate of Enforcement**⁵ was considering an application of the petitioner therein who was SLP(Crl.) No. 3205 of 2024 dated 30.07.2024 to receive a bribe of rupees five crore and from whom, an amount of Rs.46,00,000/- was already recovered. In the said case, the petitioner was arrested on 26th January 2022 in connection with FIR No. 402/2021 registered against him for the offences punishable under Sections 406, 420, 120B of IPC and Section 4/6 of the Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992. He was released on bail by this Court vide order dated 18th January 2023. Thereafter, the petitioner was arrested by the ED on 21st June 2023. The Court observed thus:

"7. Adverting to the prayer for grant of bail in the instant case, it is pointed out by learned counsel for ED that the complaint case is at the stage of framing of charges and 24 witnesses are proposed to be examined. The conclusion of proceedings, thus, will take some reasonable time. The petitioner has already been in custody for more than a year. Taking into consideration the period spent in custody and there being no likelihood

of conclusion of trial within a short span, coupled with the fact that the petitioner is already on bail in the predicate offence, and keeping in view the peculiar facts and circumstances of this case, it seems to us that the rigours of Section 45 of the Act can be suitably relaxed to afford conditional liberty to the petitioner. Ordered accordingly.”

11. Taking into consideration the overall facts and circumstances of the case and so also the fact that only one that too in part, out of total 37 prosecution witnesses, examined so far and the accused-petitioner is in custody for last about 2 years, this Court without expressing any opinion on the merits or demerits of the case, deems it just and proper to enlarge the accused-petitioner on bail.

12. Accordingly, this fourth bail application under Section 483 BNSS is allowed and it is ordered that the accused-petitioner named above shall be enlarged on bail provided, he furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance before the Court concerned on all the dates of hearing and as and when called upon to do so.

(GANESH RAM MEENA),J