

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 10379/2025

Mohammed Javed Alam @ M.D. Javed Alam S/o Shri Mohammed Mustkeem Ansari, aged 28 years, R/o Village Keshru Dharampur, P.S. Chandoti, District Gaya State Bihar, at present tenant in House No. A-323 A Block Sanjay Nagar, P.S. Bhatta Basti, Jaipur (At present confined in Central Jail Jaipur).

-----Petitioner

Versus

State of Rajasthan through P.P.

-----Respondent

For Petitioner(s)	:	Mr. Gurvinder Singh
For Respondent(s)	:	Ms. Arti Sharma, PP
For Complainant(s)	:	Mr. Abdul Hameed Khan

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

24/03/2026

1. This bail application under Section 483 of BNSS has been filed on behalf of the petitioner, who has been arrested in connection with FIR No.159/2025 registered at Police Station Bhatta Basti, District Jaipur City (North) (Raj.) for offences punishable under Sections 103(2), 85 & 3(5) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023 (Corresponding to Sections 302, 498A & 34 of the IPC). After completion of investigation, police filed charge-sheet in this matter for offences punishable under Sections 85 & 108 of the BNS, 2023 (corresponding to Sections 498A & 306 of the IPC).
2. It is contended by learned counsel for the petitioner that the accused-petitioner has falsely been implicated in this case. It is

submitted that initially, FIR was registered for offences punishable under Sections 103(2), 85 & 3(5) of the BNS, 2023 however, after thorough investigation, charge-sheet was filed for offences punishable under Sections 85 & 108 of the BNS, 2023 and offence punishable under Section 103(2) of BNS, 2023 was not found proved. Counsel submits that the cause of death was kept reserved till receiving the FSL as well as histopathology report and subsequently, on the basis of FSL report, it was opined that cause of death is serious damage to the lungs and liver on account of consumption of zinc phosphide. Counsel submits that the marriage of the petitioner was solemnized with the deceased on 24.05.2015 and three children are born out of this wedlock. It is contended that there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion. Counsel submits that the petitioner is in custody since 15.07.2025 and further custody of the petitioner would not serve any fruitful purpose.

3. Learned Public Prosecutor assisted by learned counsel for the complainant vehemently opposes the submissions advanced on behalf of the petitioner. Counsel for the complainant submits that it is a case of murder as petitioner administered zinc phosphide to the deceased due to which she expired. Counsel further submits that from time to time family members of the deceased were giving money to the petitioner and the petitioner frequently tortured the deceased over demand for money.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned

counsel for the parties, especially considering the fact that after thorough investigation, offence punishable under Section 103(2) of the BNS, 2023 was not found proved against the petitioner and charge-sheet was filed for the offences punishable under Sections 85 & 108 of BNS 2023, as also considering that there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion as well as looking to the period of custody, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application.

6. The bail application is accordingly allowed and it is directed that accused-petitioner- **Mohammed Javed Alam @ M.D. Javed Alam S/o Shri Mohammed Mustkeem Ansari** 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.

7. The observations made hereinabove are only for decision of the bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J