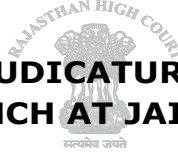




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Bail Cancellation Application No. 126/2025

Abhimanyu Singh S/o Shri Ajeet Singh, Aged About 38 Years,
R/o House No-5, Shastri Nagar, Christian Ganj, Ajmer (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Devkaran Jajda @ Devkaran Fouji S/o Gopiram Jajda, Aged About 35 Years, R/o Village Peeha Police Station Pilwa Tehsil Parbatsar, District Didwana Kuchaman.

-----Respondents

For Petitioner(s)	:	Mr. Vijay Kumar Jangid
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP Mr. Anil Mahla

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

20/05/2026

REPORTABLE

1. The petitioner has preferred this Bail Cancellation Application under Section 483 (3) of BNSS in FIR No.614/2024 registered at Police Station Christian Ganj, District Ajmer for the offences under Sections 189(2), 115(2), 126(2), 352, 310(2), 140(3), 62, 326(g) and 351(3) of BNS, 2023.
2. Heard learned counsel for the petitioner, learned Public Prosecutor and counsel for the respondent No.2 and perused the material available on record.
3. Learned counsel for the petitioner submits that the order granting bail to private respondent No.2, Devkaran Jajda @ Devkaran Fouji, is perverse and contrary to the settled principles



of law. He contended that the other co-accused in the present case have been granted bail under Section 483 BNSS, whereas respondent No.2, who is the prime accused, has been granted anticipatory bail without properly considering the material available on record. The contradictory orders passed on similar facts and allegations reflect inconsistency in the judicial approach and undermine the credibility of judicial reasoning. It is further submitted that the learned trial court has not recorded any specific or justifiable reason to treat respondent No.2 differently. Respondent No.2 was specifically named in the FIR and, as per the CCTV footage, his presence at the scene of crime is visible. He is the prime accused who instigated the other co-accused to commit the alleged offence. Learned counsel contended that the power to grant anticipatory bail is to be exercised sparingly and only in exceptional circumstances. In the present case, the involvement of respondent No.2 is apparent from the material available on record and no extraordinary circumstance existed for granting anticipatory bail to him, therefore, bail granted by the trial court is required to be cancelled with necessary directions to surrender.

4. Learned counsel for the private respondent No.2 has vehemently submitted that the trial court has rightly allowed the anticipatory bail application as no recovery remains to be made from him and custodial interrogation was not required. Learned counsel further argued that the scope of cancellation of bail is very limited and that cancellation can only be allowed when the accused has misused the bail conditions or when there is illegality or perversity in the order granting bail, which is not the case in the present matter.



5. It is settled that though cancellation of bail ordinarily requires cogent and overwhelming circumstances, a superior court can interfere where the order granting bail itself is found to be perverse, arbitrary or passed in disregard of material evidence and settled principles governing grant of bail.

6. On perusal of the impugned order, it appears that the learned trial Court while granting bail observed that involvement of respondent No.2 was not clearly discernible from the CCTV footage. However, prima facie examination of the material available on record reveals that the presence of respondent No.2 Devkaran Jajda is reflected in the CCTV footage and such material could not have been discarded in a cursory manner at the stage of consideration of anticipatory bail.

7. Further, the allegations in the FIR specifically attribute a prime role to respondent No.2 Devkaran Jajda by name and the statements of witnesses recorded during investigation also disclose his involvement in the alleged offence. The learned trial court appears to have overlooked or inadequately appreciated these material aspects while exercising its discretion.

8. At the stage of bail, meticulous examination of evidence is not required. It is equally well-settled that while deciding a bail application, what is to be seen in the first place is that prima facie the offences alleged against the accused has been made out or not. Furthermore, the Hon'ble Apex Court in the case of **Kanwar Singh Meena v State of Rajasthan** AIR 2013 SC 296, has observed that if the court granting bail ignores relevant materials indicating *prima facie* involvement of the accused or takes into account irrelevant material, which has no relevance to the



question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.

9. Thus, considering the submissions made by the learned counsel for the complainant, FIR, the statements of witnesses, and CCTV footage, the exercise of discretion by the learned trial court appears to have proceeded on an incorrect appreciation of the material available on record, thereby rendering the impugned order legally unsustainable.

10. This Court is therefore satisfied that the order granting bail to respondent No.2 suffers from perversity and without due application of mind, warranting interference.

11. Consequently, the application for cancellation of bail is allowed and the order dated 05.08.2025 granting anticipatory bail to respondent No.2 Devkaran Jajda is hereby set aside. The anticipatory bail granted by the trial court stands cancelled.

(PRAMIL KUMAR MATHUR),J