

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 15830/2025

1.

Lokesh S/o Nitiman, Aged About 48 Years, R/o Jaton Ka Mohalla, Mokhampura, Police Station Mokhampura, District Jaipur, Currently Residing As Tenant At Nand Singh Shekhawats House, Anu Vihar Colony, Phulera Police Station Phulera District Jaipur Rural. (At Present Confined At Sub- Jail, Sambhar Lake, Jaipur)
2.

Nikhil S/o Lokesh, Aged About 22 Years, R/o Jaton Ka Mohalla, Mokhampura, Police Station Mokhampura, District Jaipur, Currently Residing As Tenant At Nand Singh Shekhawats House, Anu Vihar Colony, Phulera Police Station Phulera District Jaipur Rural. (At Present Confined At Sub- Jail, Sambhar Lake, Jaipur)

----Applicants

Versus

The State Of Rajasthan, Through PP

----Respondent

For Applicant(s)

:

Mr. Girraj P. Sharma
with Ms. Nikita Sharma,
Ms. Sneha Gulati,
Mr. Shruti Chandgothia

For Respondent(s)

:

Mr. Shree Ram Dhakad, PP
Mr. Yogesh Chawla
Mr. Sandeep Pathak

HON'BLE MR. JUSTICE SAMEER JAIN

Order

08/05/2026

1.

The instant bail application has been filed under Section 483 of BNSS on behalf of accused-applicant. The accused-applicants were arrested in connection with FIR No.197/2024, registered at Police Station Phulera, District Jaipur (Rural) for the offence(s) under Sections 420 & 406 of IPC.

2. Learned counsel for the accused-applicants submits that the applicants are behind bars from past one year and two months. It is submitted that the applicants are sole bread earner for their family and that matter is triable by First Class Magistrate and no case is made out under Section 420/ 406 of IPC. It is also submitted that the matter is to be considered in consonance with the provisions of Section 480(6) of BNSS, whereby it is stated that if the trial for a non-bailable offence is not completed within 60 days from the first date fixed for taking evidence, the accused must be released on bail. The relevant provision from the BNSS is reproduced hereinbelow:

"Section 480: When bail may be taken in case of non-bailable offence.

(1) XXX

(2) XXX

(3) XXX

(4) XXX

(5) XXX

(6) *If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, **be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.***

(7) XXX"

3. *Per contra*, learned Public Prosecutor has vehemently opposed the bail application.

4. In the instant matter as allegations were quod a huge number of investors and approximately Rs. 65 Crores scam is involved, by malafidely ensuring that return will be made of double the principle amount within a period of 60 days. Thus, the

matter was referred to the Income Tax Department and the investigation by Income Tax Department reveals that the transactions were carried out in cash and no declaration was made in income tax returns; properties, investments were made out but no capital gain was filed.

5. Learned counsel for the Income Tax Department has submitted that matter is not limited to a few investors, but a huge number of people/investors were defrauded. It is submitted that present is a white collar crime/scam and relieving the applicant at this stage may keeping the investors duped, if granted any benefit.

6. Considering the arguments advanced by the counsel for the parties; taking note of the reasons specified as above and the caveat given in Section 480 (6) of BNSS that unless for special reasons which the Court otherwise deems essential, the bail should be granted in routine however, the present case is not a case of an extraordinary nature, as in the matter at hand, a scam of Crores of rupees occurred and numerous persons were duped. Thus, provisions of Section 480(6) BNSS are not applicable in the case and 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 present bail application.

7. Accordingly, second bail application is dismissed.

(SAMEER JAIN),J