



ITEM NO.128

COURT NO.9

SECTION II-D

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) Nos. 2643-2644/2026

[Arising out of impugned final judgment and order dated 09-01-2026 in SBCRMBA No. 658/2025 21-11-2025 in SBCRMBA No. 15192/2025 passed by the High Court of Judicature for Rajasthan at Jaipur]

VIKASH KUMAR

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

FOR ADMISSION AND IA No. 47660/2026 - EXEMPTION FROM FILING O.T.

Date : 17-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s)

Mr. Tarun Bhati, AOR  
Mr. Gagandeep Kulyana, Adv.  
Mr. Yash Thakur, Adv.  
Mr. Harsh Vardhan Saini, Adv.

For Respondent(s)

Mr. Puneet Parihar, Adv.  
Ms. Nidhi Jaiswal, AOR

UPON hearing the counsel, the Court made the following  
O R D E R

Application for exemption from filing official translation  
is allowed.

Issue notice, returnable on 09.04.2026.

Mr. Puneet Parihar, learned counsel, representing Ms. Nidhi  
Jaiswal, learned Advocate-on-Record, representing the State of

Rajasthan, is present in Court on advance notice/caveat. He waives service and accepts notice on behalf of the State of Rajasthan. Hence, notice need not be served.

We find from the impugned judgment/order dated 21.11.2025 that the High Court imposed a condition to the effect that the petitioner, Vikash Kumar, should furnish a bank guarantee for a sum of ₹5,00,000/- (Rupees five lakhs only). His application to relax the said condition met with failure when the same was dismissed by the subsequent impugned order dated 09.01.2026.

It is not open to the High Court to treat an application for grant of bail as a mode of recovery for the complainant. This principle is well settled and has been reiterated time and again by this Court.

In that view of the matter, we deem it appropriate to relax the condition imposed by the High Court that the petitioner, Vikash Kumar, should furnish a bank guarantee for a sum of ₹5,00,000/- (Rupees five lakhs only). Subject to the petitioner complying with the remaining conditions imposed by the High Court in the bail order dated 21.11.2025, he shall be released on bail.

(BABITA PANDEY)  
AR-cum-PS

(PREETI SAXENA)  
COURT MASTER (NSH)