



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Bail Cancellation Application No. 18/2025

Praveen Gehlot S/o Shri Shankar Singh Gehlot, Aged About 45
Years, R/o Ambala Bera, Phool Bagh, Mandore, Jodhpur

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Karan Parihar S/o Shri Jitendra Parihar, Aged About 24
Years, R/o Ambala Bera, Phoolbagh, Mandore, Jodhpur

----Respondents

For Petitioner(s) : Mr. Javed Gauri
Mr. Tousf Gauri
For Respondent(s) : Mr. Surendra Bishnoi, AGA
Mr. Balveer Singh Rathore

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS	18/02/2026
DATE ON WHICH ORDER IS RESERVED	18/02/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	17/04/2026

BY THE COURT:-

1. By way of filing the instant bail cancellation application under Section 439(2) Cr.P.C., the petitioner most respectfully seeks cancellation of the bail granted to the non-petitioner No.2 vide order dated 19.10.2024 passed by this Court in SBCRLMB (Second) No.10559/2024 in connection with FIR No. 130/2024 registered at Police Station Mandore, District Jodhpur, for the offences punishable under Sections 323, 341, 147, 148, 149, 307, 354, 509 and 120B of the IPC.



2. The genesis of the present proceedings emanates from FIR No. 130/2024 registered on 15.05.2024 at Police Station Mandore, wherein the petitioner alleged that the accused persons, namely Karan Parihar along with Ajay, Sanjay @ Jitendra, Mohit @ Pramod Sharma and Dilip, in furtherance of their common intention, launched a violent and premeditated assault upon the petitioner and his family members using sharp-edged weapons, thereby inflicting grievous injuries and endangering their lives. Pursuant to the said FIR, investigation was undertaken and the accused persons came to be arrested and charge-sheeted for serious offences, including one under Section 307 IPC.

2.1. Notwithstanding the gravity of the allegations, the non-petitioner-accused Karan Parihar was enlarged on bail vide order dated 19.10.2024. The petitioner asserts that such grant of bail was premature and failed to adequately consider the antecedents and violent proclivities of the accused, as well as the palpable threat posed to the petitioner and his family.

2.2. Subsequent thereto, on 07.11.2024, the petitioner approached the SHO, Police Station Mandore, and thereafter the Police Commissioner, bringing to their notice the continuous threats and intimidation extended by the accused persons, particularly in the backdrop of his daughter's impending marriage scheduled on 22.11.2024. The petitioner apprehended disruption of peace and grave danger to life and property, necessitating preventive intervention by the authorities. However, the apprehensions of the petitioner tragically materialized when, within a short span of approximately two months of being granted bail, the non-petitioner-accused, in concert with his associates,





once again perpetrated a brutal assault upon the petitioner on 11.12.2024, using lathis and sharp-edged weapons, thereby causing grievous injuries and further aggravating the threat to his life. In respect of the said incident, a subsequent FIR was registered on 12.12.2024, culminating in filing of charge-sheet on 29.12.2024, which prima facie corroborates the recurring pattern of violent conduct on the part of the accused.

2.3. Despite repeated complaints and recourse to lawful remedies, the petitioner continues to remain under constant fear of violence, intimidation and harassment at the hands of the accused persons. The cumulative circumstances, including the gravity of offences, repetition of criminal acts after grant of bail, and the imminent likelihood of threat to witnesses and the complainant, have compelled the petitioner to seek cancellation of bail in order to safeguard his life and ensure the sanctity of the trial process. Hence the instant application for cancellation of bail.

3.. I have heard the counsel for the parties and minutely gone through the material as made available to this Court.

4. Upon a thoughtful and meticulous consideration of the factual matrix emerging from the record, this Court finds that the present case is not a mere instance of alleged misuse of liberty, but rather reflects a continuing pattern of conduct on the part of the non-petitioner–accused which strikes at the very root of fair administration of criminal justice.

4.1. At the outset, it is to be noted that the power of cancellation of bail under Section 439(2) Cr.P.C. is not to be exercised in a routine or mechanical manner; however, where the conduct of the accused post grant of bail reveals supervening circumstances or





demonstrates that the liberty granted has been abused to the detriment of a fair trial, the Court would be failing in its duty if it does not intervene. As expounded by the **Hon'ble Supreme Court in Neeru Yadav vs. State of U.P., AIR 2015 SC 3703**, the grant of bail cannot be sustained where relevant factors such as criminal antecedents, gravity of offence, and likelihood of intimidation of witnesses are ignored or inadequately considered .

4.2. In the present case, the allegations are of a grave and heinous nature, involving offences under Sections 307, 147, 148, 149 IPC, among others, which inherently carry serious societal repercussions. The material placed on record prima facie indicates that the accused, after being enlarged on bail, has not only failed to adhere to the discipline expected of a person enjoying conditional liberty, but has, in fact, emboldened himself to repeat acts of violence against the petitioner. The subsequent incident dated 11.12.2024, leading to registration of another FIR being FIR No.0297/2024 registered at Police Station Mandore and filing of charge-sheet, constitutes a glaring and compelling supervening circumstance, which cannot be lightly brushed aside.

4.3. The chronology of events assumes critical significance. Despite specific complaints made by the petitioner highlighting continuous threats and apprehension to life, particularly in the backdrop of a family event, the accused is alleged to have perpetrated yet another violent assault within a short span of being released on bail. Such conduct unmistakably demonstrates a propensity to re-offend and a conscious disregard for the process of law. The apprehension of threat to the complainant and





witnesses is thus not illusory but founded on concrete subsequent events.

4.4. The jurisprudence governing cancellation of bail, as reiterated in ***Neeru Yadav (supra)***, mandates that the Court must weigh the likelihood of the accused repeating the offence and the danger of justice being thwarted. Where the accused exhibits criminal proclivity and the capacity to intimidate or influence witnesses, the continuance of bail becomes antithetical to the interests of justice. The liberty of an individual, though sacrosanct, cannot be permitted to metamorphose into a license to subvert legal processes or endanger societal order.

4.5. Further, the principles elucidated in the decision of this Court in the case of ***Harshadhipati Vs. State Of Raj. & Ors (SB Criminal Misc. Bail Cancellation Appln. No.66/2023 decided on 05.07.2024)*** reinforce that bail jurisprudence is intrinsically linked with the conduct of the accused. The Court therein emphasized that *"the entire bail jurisprudence revolves around the conduct of the accused"* and that where the material indicates intimidation, influence, or repetition of offence, the continuation of bail would be incongruous with the administration of justice . The present case stands on a stronger footing, where not merely apprehension, but actual repetition of violent conduct has been brought on record.

4.6. The argument that cancellation of bail requires proof of violation of conditions stands diluted in light of authoritative pronouncements which recognize that even in absence of technical breach, if the order granting bail is rendered untenable due to subsequent events or if the accused's conduct renders a fair trial





improbable, the Court is fully empowered to rescind such liberty. The subsequent FIR, corroborated by investigation and charge-sheet, constitutes a legally cognizable supervening circumstance warranting interference.

4.7. It is also apposite to observe that the offences alleged are not private disputes confined to individual grievance, but are offences having serious impact on public order and societal equilibrium. Repeated acts of violence, particularly after grant of bail, create an atmosphere of fear and undermine public confidence in the rule of law. The Court cannot remain a silent spectator where liberty is demonstrably misused to perpetuate lawlessness.

4.8. In the conspectus of the above discussion, this Court is satisfied that the conduct of the non-petitioner-accused post grant of bail, the repetition of offence, and the credible apprehension of threat to the complainant and witnesses, collectively constitute compelling and overwhelming circumstances necessitating cancellation of bail. The continuation of bail in such circumstances would not only prejudice a fair trial but would also amount to abdication of judicial responsibility.

4.9. In view of the foregoing analysis, this Court is satisfied that the conduct of the non-petitioner-accused, particularly the repetition of violent acts subsequent to the grant of bail, coupled with the subsisting and credible apprehension of threat to the petitioner and witnesses, constitutes compelling and supervening circumstances warranting interference under Section 439(2) Cr.P.C.





4.10. The liberty granted to the accused has evidently been misused in a manner detrimental to the fair administration of justice. The continuance of bail, in such circumstances, would not only prejudice a fair trial but also embolden unlawful conduct, thereby undermining the rule of law.

5. Accordingly, the present bail cancellation application deserves to be and is hereby allowed. The order dated 19.10.2024 passed in SBCRLMB (Second) No.10559/2024 granting bail to the respondent-accused Karan Parihar is set aside, and the bail so granted stands cancelled. He is directed to surrender forthwith before the concerned trial court, failing which the trial court shall take necessary steps to secure his custody in accordance with law.

(FARJAND ALI),J

31-Mamta/-