



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

S.B. Criminal Miscellaneous Bail Application No. 10010/2026
CNR: RJHC010668052026 | URN: CRLMB / 21904U / 2026

Bhagirath S/o Shri Sanwata Ram, Aged About 46 Years,
Resident Of Rajeev Nagar, Police Station Sanchore,district
Jalore Rajasthan. Presently Lodged In Sub-Jail, Sanchore

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Ankit Choudhary
For Respondent(s) : Mr. Pawan Kumar Bhati, PP
Mr. Nikhil Bhandari, for complainant

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/09/2026

This second application for bail under Section 483 of BNSS (439 Cr.P.C.) has been filed by the petitioner, who has been arrested in the present matter. The requisite details of the matter are tabulated below:

S. No.	Particulars Of the case	
1.	FIR Number	374/2024
2.	Police Station	Sanchore
3.	District	Sanchore
4.	Offences alleged	Under Sections 103(1), 140(2), 238(b) and 61(2)(a) of BNS.
5.	Offenced added if any	308(4),309(6) and 189(2) of BNS

The 1st bail application filed on behalf of the petitioner, i.e. S.B. Criminal Misc. Bail Application No. 6920/2025 was dismissed



as rejected vide order dated 23.07.2025, passed by this Court. After the dismissal of the first bail application, statements of P.W01 to P.W.09 have been recorded. Hence, this second bail application has been filed.

Heard learned counsel for the petitioner, learned Public Prosecutor as well as the learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present matter. He further submits that as per the prosecution, it is alleged that deceased Jalamsingh was earlier employed at petitioner's lodge and was terminated over a wage dispute. Thereafter, police recovered contraband (doda) from the said lodge. The present petitioner suspected Jalamsingh of having informed the police and demanded Rs. 15 lakhs from the complainant, threatening Jalamsingh in default. It is further alleged that thereafter, the deceased went missing and was subsequently found in an injured condition. He was taken to the hospital for treatment, where he subsequently succumbed to his injuries. On the basis of the allegations made by the complainant, who suspected the present petitioner of having kidnapped and assaulted the deceased, the present F.I.R. came to be registered, and the petitioner has been arraigned as an accused therein.

Counsel for the petitioner submits that the whole incident has been turned into a murder story by the prosecution, whereas it was a car accident, which is also admitted by PW05-Narpat Singh, in his statement recorded before the trial court. He has also admitted that the injured person, as well as people gathered





there, told him that the injured person had been hurt in a car accident. The relevant portion of statements of PW05 is reproduced below:



“मैनें वहां जाकर घायल व्यक्ति से पूछा कि क्या हुआ है, तो उसने कहा कि मेरा कार से एक्सीडेंट हो गया है तथा हमने उपस्थित लोगों से पूछा तो उन्होंने भी कहा कि कार से एक्सीडेंट हुआ है। मैनें घायल व्यक्ति का नाम पूछा तो उसने अपना नाम जालमसिंह राजपूत निवासी सांगड़वां होना बताया था। उसके बदन पर काफी चोटें आई हुई थीं। फिर मौके से एक व्यक्ति हमारे साथ चला, जिस पर हम सीएचसी सांचौर लाये, जहां से डॉक्टर ने टोमा सेण्टर रेफर करने का कहा जिस पर मैं मरीज को लेकर टोमा सेण्टर गया, जहां डॉक्टर ने उसका ईलाज किया व ईलाज के दौरान उसकी मृत्यु हो-गई।

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“यह कहना सही है कि हाडेतार सरहद में मौके पर उपस्थित में 15-16 चश्मदीद गवाहान ने व मजरूब ने हमें यही बताया था कि हमारे सामने अज्ञात कार चालक ने मोटरसाईकिल के टक्कर मारी थी जिससे जालमसिंह घायल हुआ था। यह कहना सही है कि हाडेतार सरहद से जालमसिंह को हम अस्पताल व टोमा सेण्टर लेकर गये जहां भी जालमसिंह ने ईलाज करने वाले डॉक्टर को उसकी चोटें कार द्वारा टक्कर मारने से आना बताया था। यह कहना सही है कि मजरूब जालमसिंह के टक्कर मारने के बाद घसीटने से रगड़ के निशान आये थे। मैनें जो आज अदालत में बयान दिये हैं ऐसे ही बयान मैनें पुलिस को भी दिये थे। मैनें पुलिस को सड़क दुर्घटना में संदेह होने की बात नहीं लिखायी थी. सड़क दुर्घटना की ही लिखायी थी. यह संदेह की बात पुलिस ने अपनी मर्जी से लिखी है।“

It is further submitted that there is no evidence on record to establish that the petitioner assaulted the deceased, as no overt act or any specific injury has been attributed to him in the FIR, or statements of prosecution witnesses.

Learned counsel lastly submits that the challan has already been filed; the petitioner is in judicial custody since 28.08.2024, and the trial of the case may take sufficient time to conclude as only 9 out of 28 witnesses have been examined; therefore, the petitioner may be enlarged on bail.

Per contra, the learned Public Prosecutor and Learned counsel for complainant have opposed the bail application. It is



submitted by learned Public Prosecutor that the call history of the co-accused shows that several conversations took place between him and the complainant, the deceased, and the deceased's elder brother. He contends that the petitioner was thrown onto the road to simulate that he had been injured in a car accident.

Furthermore, the testimony of PW-05 is not free from inconsistencies and, at this stage, cannot be construed as a circumstance demolishing the prosecution case or constituting a substantial change in circumstances after rejection of the earlier bail application. Therefore, looking at the gravity of the offence, bail should not be allowed to the present petitioner.

Learned counsel for the complainant submits that the bail application preferred by co-accused Channa Ram came to be rejected by a co-ordinate Bench of this Court vide order dated 20.04.2026 passed in S.B. Criminal Misc. Bail Application No. 2710/2026. It is contended that the case of the present petitioner stands on the same footing as that of the said co-accused and is not distinguishable in any material respect. The reliance has been placed on :

- ***(i) Mahipal Vs. Rajesh Kumar@Polia & Anr. In Criminal Appeal No. 1843 of 2019 @ SLP(Crl.) No. 6339 of 2019.***
- ***(ii) Ms. Y Vs. State of Rajasthan & Anr. In Criminal Appeal No. 649 of 2022 (Arising out of SLP(Crl.) No. 7893 of 2021).***

Learned counsel further submits that no significant change in circumstances or other substantial development has occurred





subsequent to the rejection of the petitioner's bail application to warrant grant of bail to the present petitioner.

Heard learned counsel for the parties and perused the material available on record. The Court finds that the statements recorded after rejection of the first bail application have not resulted in any such development which may be construed as a substantial change in circumstances. It is also observed that the co-ordinate bench while considering the statement of material prosecution witnesses including PW05, rejected bail application of co-accused Channa Ram vide order dated 20.04.2026, passed in S.B. Criminal Misc. Bail Application No. 2710/2026, and nothing has been shown to distinguish the petitioner's case from his.

Considering the gravity of the offences and the fact that there is no material change of circumstances after rejection of first bail application; without expressing any opinion on the merits/demerits of the case, this Court is not inclined to enlarge the petitioner on bail, at this stage.

Consequently, the second bail application under Section 483 of BNSS (Section 439 of Cr.P.C.) is dismissed at this stage.

(MUKESH RAJPUROHIT),J

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