RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous III[rd] Bail Application No. 16032/2026
CNR: RJHC020977522026 | URN: CRLMB / 29720U / 2026

Rajasthan High Court
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Anil Shyoran S/o Shri Rajpal, R/o Village Kayamsar, Police Station Ramgarh Shekhawati, District Sikar, Presently R/o Laxminath Colony, Near Do Jati Balaji Temple, Fatehpur Shekhawati, Police Station Kotwali, Fatehpur Shekhawati, District Sikar, Presently Tenant At Flat No. 506, M.J.B. Atulaym Apartment, Kareel Ka Bag, Jagatpura, Police Station Ramnagariya, Jaipur. (Presently Confined At Central Jail, Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Sudhir Jain with
Mr. Parth Sharma
Mr. Parth Vashisth
Mr. Aman Galav
Mr. Yatharth Agarwal

For Respondent(s) : Mr. Manvendra Singh, PP
Mr. Onkar Singh Rajpurohit, PP
Mr. Mahesh Chand, SHO, Police Station Jawahar Circle
Mr. Ashutosh Kumar Singh, SHO, Police Station Manoharpur
the then SHO, Police Station Jawahar Circle

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

03/11/2026

Reportable

1. The instant third bail application has been filed on behalf of the accused-petitioner under Section 483 of the B.N.S.S. The petitioner was arrested in connection with FIR No. 653/2025, registered at Police Station Jawahar Circle, District Jaipur City

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(East), for offences under Sections 318(4), 316(2), 338, 336(3), 340(2), and 61(2) of the BNS.

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2. Learned counsel for the petitioner submits that the petitioner's first bail application was dismissed by this Court vide order dated 30.04.2026 as withdrawn with liberty to file a fresh application. Thereafter, the petitioner moved the second bail application directly before this Court without approaching the concerned Session Court and the same was dismissed vide order dated 10.09.2026.

3. Learned counsel contends that the petitioner has been falsely implicated in the offences punishable under Sections 318(4), 316(2), 338, 336(3), 340(2), and 61(2) of the BNS. The petitioner is in custody since 10.12.2025. The charge-sheet was filed on 13.03.2026, and the trial is expected to take considerable time to conclude.

3.1 Counsel further submits that there is no evidence available on record that the six cheque-books and four ATM cards allegedly recovered from the petitioner were ever used. The cheque-books were blank and there is no evidence that the ATM cards issued in the names of Priyanka Bhardwaj, Tushar, and two other account holders were used by the petitioner. The six cheque-books, said to belong to Aditya Sharma, Kusum Sharma, Karan Dhawan, and Rawat Restaurant, were also blank, and the statements of the persons concerned have not been recorded. Further, the relevant bank details of the four ATM cards were neither obtained nor included with the charge-sheet.

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3.2 On these facts, counsel argues that there is, prima facie, no evidence that anyone was cheated or that the petitioner dishonestly withdrew money from any alleged victim's account using the cheque-books or ATM cards. As the trial is likely to take considerable time, counsel prays that the third bail application be allowed.

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4. In compliance with this Court's directions, the Investigating Officer, Mr Mahesh Chand, SHO, Police Station Jawahar Circle, who filed the charge-sheet before the learned trial Court, is present along with the current SHO of the same police station, Mr Ashutosh Kumar Singh. In response to the Court's questions, the Investigating Officer acknowledged that the six cheque-books allegedly recovered from the petitioner were unsigned and had never been used. He also acknowledged that he had not recorded statements of the persons from whom the cheque-books belonged.

4.1 As regards the four ATM cards allegedly recovered from the petitioner, the Investigating Officer stated that there was no evidence that the petitioner had used them. He further conceded that he had neither recorded statements of Priyanka Bhardwaj and Tushar nor obtained the relevant bank statements concerning the ATM cards.

5. The learned Public Prosecutor strongly opposes the bail application and submitted that four ATM cards and six cheque-books were recovered from the possession of the petitioner. He also contends that several FIRs have been registered against the

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petitioner in different States. On these grounds, the Prosecutor seeks dismissal of the bail application.

6. The Court has heard learned counsel for both parties and examined the material on record.

7. The petitioner has been charge-sheeted for offences punishable under Sections 318(4), 316(2), 338, 336(3) 340(2), and 61(2) of the BNS, and Sections 66(C) and 67(D) of the IT Act. The Investigating Officer's statement before this Court makes clear that the cheque-books and ATM cards allegedly recovered from the petitioner were never used by him. The record contains no evidence that the petitioner withdrew any money using the ATM cards. The cheque-books were blank and unsigned. It therefore prima facie appears that the petitioner was implicated on suspicion arising solely from the alleged recovery of cheque-books and ATM cards that did not belong to him.

8. It is difficult to understand how the Investigating Officer concluded that the petitioner had committed cheating or withdrew money from the relevant accounts, when there is no evidence that he used the ATM cards and no bank statements substantiating any withdrawal. At most, the record suggests that the petitioner may use the cheque books or ATM cards in the future. That possibility alone, however, would not constitute cheating or otherwise attract Sections 318(4), 316(2), 338, 336(2), 340(2) of BNS. Nor does the prosecution allege that the petitioner forged the signatures of any person to whom the cheque-books belonged. At most, the petitioner's conduct may fall within the category of theft, but it does not amount to cheating or forgery.

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9. The registration of multiple FIRs against the petitioner in different States cannot, by itself, justify denying bail, particularly when no material on record prima facie establishes that he cheated anyone or dishonestly withdrew money using the recovered cheque-books or ATM cards. Accordingly, this Court considers it appropriate to enlarge the accused-petitioner on bail. Before parting, the Court observes that the learned Magistrate and Sessions Court also failed to find out whether prima facie evidence constituting the offences of cheating & forgery and without thoroughly examining the merits of the case, they dismissed the petitioner's bail application cursorily. The Courts below are expected to examine at least the foundational facts on which an accused has been charge-sheeted. Mere assertions in a charge-sheet, unsupported by evidence gathered by the Investigating Officer, do not, by themselves, establish an offence.

9.1 Furthermore, the investigation suffers from patent illegality and the investigating officer's lack of understanding of basic legal requirements. The Investigating Officer did not ascertain whether the ATM cards recovered from the petitioner's possession had ever been used, nor he recorded the statements of relevant persons. No bank statements were obtained from the banks of the accounts were maintained or kept in the ordinary course of business. No efforts were made to verify whether the cheque-books belonging to the six named persons were missing or whether those persons were the account holders or not.

9.2 The Court would fail in its duty if it does not bring the matter to the notice of the State's Director General of Police, with a

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direction to initiate a preliminary inquiry against the investigating officers' alleged negligence and to take further action if the inquiry establishes negligence under the applicable conduct rules.

10. Upshot of the above discussion, the third bail application preferred by the accused-petitioner under Section 483 of the B.N.S.S. is allowed. The accused-petitioner, **Anil Shyoran, son of Shri Rajpal**, in connection with FIR No. 653/2025 registered at Police Station Jawahar Circle, District Jaipur City (East), shall be released on bail upon furnishing a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of the learned trial Judge, for his appearance before the Court concerned on all dates of hearing and as and when called upon to do so. The concerned trial Judge shall forthwith verify the address and the contact details of the sureties through concerned S.H.O. before releasing the accused-petition on bail.

11. The accused-petitioner is directed to mark his presence on the 25th of every month before the concerned Police Station till conclusion of the trial. The S.H.O. of the concerned Police Station shall maintain a regular register recording the presence of the accused-petitioner and shall forward the presence report to the concerned trial Court on the same day every month without any delay. In case of any breach of the aforesaid conditions, the learned Public Prosecutor shall be at liberty to move an application seeking cancellation of bail before the concerned Court.

12. The accused-petitioner is directed to submit his present address along with his mobile number to the concerned S.H.O. within seven days from the date of his release. In case the

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accused-petitioner changes his address or mobile number, he shall promptly furnish the updated particulars to the concerned S.H.O. as well as to the learned trial Court.

13. A copy of this order be sent to the Director General of Police for necessary compliance as per directions contained in Para 9.2 and also to the concerned trial Court i.e. Chief Judicial Magistrate, Jaipur Metropolitan-I, the Additional District and Sessions Judge, No.3, Jaipur Metropolitan-I, and the concerned S.H.O. for strict compliance.

(PRAVEER BHATNAGAR),J

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