RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 13022/2026
CNR: RJHC010964132026 | URN: CRLMB / 28406U / 2026

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Rajendra S/o Wajeng Patidar, Aged About 45 Years, Resident Of Chopasaang Police Station Gadi District Banswara Rajasthan (At Present Lodged In District Jail Banswara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Pranjul Mehta
For Respondent(s)	:	Mr. Urja Ram Kalbi, P. P.

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

1. Date of conclusion of arguments : 05/10/2026
2. Date of which order was reserved : 05/10/2026
3. Whether the full order or only the operative part is pronounced : Full Order
4. Date of pronouncement : 13/10/2026

1. The jurisdiction of this Court has been invoked by way of filing an application under Section 483 B.N.S.S. at the instance of accused-applicant. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	103/2025
2.	Concerned Police Station	Garhi
3.	District	Banswara
4.	Offences alleged	140 read with 3(5), 103(1) read with 3(5) and 238(A) read with 3(5) of BNS, 2023
5.	Date of passing of impugned order	04.08.2026

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2. Learned counsel for the accused-applicant submits that the applicant has been falsely implicated in this case and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of applicant-accused fleeing from the jurisdiction of this Hon'ble Court.

2.1 Learned counsel for the applicant submits that the present case based entirely on circumstantial evidence, with no direct evidence connecting the applicant with the alleged incident. It is also submitted that the material available on record does not establish a complete chain of circumstances pointing towards the guilt of the applicant.

2.2 Learned counsel further submits that the applicant is neither visible in the CCTV footage nor is there any evidence to establish his presence at the relevant time so as to implicate him on the basis of the theory of last seen. It is contended that the applicant has been implicated in the present case solely on the basis of the alleged motive that the deceased was having an illicit relationship with the applicant’s wife. However, apart from hearsay evidence, there is no material on record to substantiate the said allegation.

2.3 Learned counsel further submits that co-accused Prakash, whose presence is reflected in the CCTV footage, has already been enlarged on bail by the Coordinate Bench of this Court vide order dated 21st July, 2026, passed in ***S.B. Criminal Misc. Bail Application No. 11732/2026***.

2.4 It is contended that there were three principal witnesses in the present case namely; Dinesh Patidar, Manohar Singh and Jayesh. However, Manohar Singh (PW-1) and Dinesh Patidar

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(PW-2) have turned hostile. It is contended that there is record available on record that Jayesh has gone abroad and is presently unavailable in India.

2.5 Learned counsel also contends that the wooden stick allegedly used in the commission of the offence has not been recovered from the applicant. The only recovery shown to be effected on the instance of accused-applicant is that of a three-wheeler, which in itself is insufficient to establish the applicant's involvement in the alleged offence.

2.6 Learned counsel argues that out of the 30 witnesses cited by the prosecution, only 2 had been examined till 21st July, 2026. The applicant has been in custody since 6th March, 2025, and the trial is likely to take considerable time to conclude. Therefore, his continued incarceration is not warranted. In view of the aforesaid submissions, learned counsel prays that the applicant be enlarged on bail.

3. Per contra, learned Public Prosecutor opposes the bail application and submits that a clear motive has been attributed to the applicant. It is further contended that the three-wheeler allegedly used for abducting the deceased has been recovered at the instance of the applicant. On these grounds, learned Public Prosecutor prays for rejection of the bail application.

4. Heard learned counsel for the parties and perused the material available on record.

5. While a detailed appreciation of evidence is not warranted at the stage of consideration of bail, it is well settled that in a case resting solely on circumstantial evidence, the circumstances relied upon by the prosecution must ultimately form a complete and

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unbroken chain pointing towards the guilt of the accused and excluding every reasonable hypothesis consistent with innocence, as explained by the Hon'ble Supreme Court in ***Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116***.

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5.1 The settled principles governing cases based on circumstantial evidence require that each incriminating circumstance be firmly established and that all such circumstances, when taken cumulatively, must lead only to the inference of guilt. If any material link in the chain is absent or remains doubtful, the prosecution case necessarily becomes susceptible to alternative hypotheses. Therefore, in a prosecution founded entirely on circumstantial evidence, the existence of cogent circumstances such as motive, last seen, recovery, conduct of the accused, scientific evidence, or other connecting links assumes considerable significance.

5.2 Prima facie, the material presently available on record does not disclose the existence of such a complete chain. The statements of the prosecution witnesses do not, at this stage, connect the accused-applicant with the commission of the alleged offence. The charge-sheet also does not prima facie disclose any apparent motive attributable to the applicant. Moreover, although certain witnesses have stated that the deceased was having a relationship with the applicant, it prima facie appears that none of them had personal knowledge of the alleged relationship and their statements in this regard are based on hearsay. Notably, Manisha, with whom the deceased is alleged to have had an illicit relationship, has neither been examined nor cited as a witness in

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the charge-sheet filed in the present case. Further, the transcript of the CCTV footage annexed to the charge-sheet prima facie indicates that the applicant was not present at the time when the deceased was last seen.

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5.3 This Court further takes note of the fact that the principal witnesses namely; Dinesh Patidar and Manohar Singh, have already turned hostile. Moreover, no weapon allegedly used in the commission of the offence has been recovered at the instance of the applicant. The only recovery relied upon by the prosecution is that of a three-wheeler, which prima facie does not establish the applicant's involvement in the alleged offence.

5.4 Out of the 30 witnesses cited by the prosecution, only two had been examined as of 21 July 2026. The applicant has been in custody since 6 March 2025. It is also relevant to note that Jayesh, another material witness in the case, is stated to have gone abroad for employment.

In the considered opinion of this Court, the consideration of the present bail application cannot be deferred indefinitely in anticipation of the availability of the said witness. Continued incarceration of an undertrial prisoner for an indefinite or unreasonably long period due to the protracted progress of the trial directly implicates the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. The right to a speedy trial, being an integral facet of the right to a fair trial, must be safeguarded irrespective of the nature or gravity of the alleged offence.

5.5 In view of observations made hereinabove and considering the totality of facts and circumstances of case, particularly the

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period of custody of the applicant; that co-accused-Prakash, whose presence is reflected in the CCTV footage, has already been enlarged on bail; that completion of investigation and filing of charge-sheet; that the trial is likely to take its considerable time, this Court feels that no useful purpose would be served by keeping the applicant-accused in detention for an indefinite period.

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5.6 Taking into consideration the totality of the facts and circumstances of the case, and without expressing any opinion on the merits or demerit of the case, this Court is of the considered view that the applicant deserves to be enlarged on bail.

6. Accordingly, instant bail application under Section 483 B.N.S.S. is **allowed** and it is ordered that the accused-applicant – ***Rajendra S/o Shri Wajeng Patidar*** shall be enlarged on bail; provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Court with the following conditions :

(i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.

(ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the law.

(iii) The applicant-accused shall attend the hearing on the date fixed by the trial Court or as and when asked to appear before the Trial Court.

(iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

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7. Needless to mention that the above observations made by this Court are on the basis of material so far produced before the Court. They are only prima-facie observation and the same shall however, not come in the way of the trial Court to take independent view of the matter, based on ocular and oral evidence, while finally deciding the case.

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(SANJEET PUROHIT),J

161/A.Arora (Reserved)

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