HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5923/2026

Raju @ Rajendra S/o Manohar, Aged About 33 Years, R/o Nandna P.S. Mandawar, District Dausa
(Confined In District Jail Dausa).

----Accused-Petitioner

Versus

State of Rajasthan, through PP

----Respondent

For Petitioner(s)	:	Mr. Chandra Shekhar
For Respondent(s)	:	Mr. Amit Punia, P.P.
For Complainant(s)	:	Mr. Abhishek Parashar

HON'BLE MR. JUSTICE RAVI CHIRANIA (V.J.)

Order

1.	Date of conclusion of Arguments	25.06.2026
2.	Date on which the order was reserved	25.06.2026
3.	Whether the full order or only operative part is pronounced	Full
4.	Date of pronouncement	.06.2026

1. This misc. bail application has been filed by the accused-petitioner-**Raju @ Rajendra S/o Manohar**, aged about 33 Years, arrested by the police in connection with the FIR bearing No.182/2022 dated 15.06.2022 registered at Police Station Mandawar, District Dausa, for the offences punishable under Sections 302 and 120-B of I.P.C., 1860. The bail application of the accused-petitioner was rejected by the Additional Sessions Judge Mahwa, District Dausa (Raj.), vide order dated 01.04.2026, thereafter, the accused-petitioner has preferred this bail application under Section 483 of the B.N.S.S, 2023.

2. Learned counsel for the petitioner submitted that the impugned FIR dated 15.06.2022 was in respect of incident dated 12.05.2022, lodged with a serious delay of more than one month. Learned counsel further submitted that the alleged incident occurred on 12.05.2022, as no offence was committed and therefore, complainant (father of the deceased) had no grievance and therefore, at the relevant time he himself submitted his hand-written letter to the concerned SHO of the police station, about no grievance against any person. Therefore, he does not press any kind of legal proceeding including the post-mortem of the body of the deceased. In view of that, no post-mortem was committed and no action was taken.

2.1. However, as an afterthought, after more than one month, the impugned FIR was lodged in which after investigation, the police did not find any case against the petitioner and other persons and therefore, submitted the final report. Later, on the protest petition being filed on 22.08.2022, cognizance was taken by the competent Court vide order dated 07.10.2024 and therefore, on the basis of that order, petitioner has been arrested by the police by referring to the contents of FIR, the charge-sheet as submitted and the cognizance order.

3. Learned counsel again submitted that the presence of the petitioner herein is seriously disputed, no post-mortem was conducted, no grievance was raised at the relevant time and therefore, there is no reason for them to implicate in the present case. In view of the above fact, learned counsel prayed that the accused-petitioner may be enlarged on bail by this Court.

4. ***Per contra*,** learned Public Prosecutor along with the counsel for the complainant, Mr. Abhishek Parashar, strongly opposed the bail application by submitting that the conduct of the petitioner and the other family members as narrated by way of the impugned FIR itself shows their serious involvement in the incident. It was further submitted that the petitioner and his family members manipulated the investigation and did not allow the post-mortem to be conducted. Further, funeral was conducted at late night in a haste.

5. Later on, they reported the matter to the police, however, the police did not conduct a fair investigation. It was further pointed out that no *Panchnama* of the body of the deceased was prepared, and without following the due procedure, the body was handed over.

6. Counsel for the complainant further pointed out that the learned Court while taking the cognizance vide order dated 07.10.2024 considered all the aspects and noted that the involvement of the petitioner herein in the alleged offences cannot be ruled out and therefore, took the cognizance against the petitioner herein.

7. In view of the above, learned counsel submitted that petitioner does not deserves to be enlarged on bail by this Court.

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

9. This Court, considering the various facts from the record, noted that though the complainant may have refused for post-mortem at the relevant time by submitting his hand-written letter, but it was the duty of the police officer who was present at that

time in the hospital to conduct the *Panchnama,* who did not conduct the same while handing over the body to the complainant and other family members for performing the funeral. There is a serious lacuna on the part of police, which appears to be intentional in conducting the investigation in the case.

10. This Court has perused the order of cognizance passed by the learned Court vide dated 07.10.2024, where Court after discussing the material available on record, took cognizance against the petitioner.

11. After taking note of the overall facts and circumstances and the various issues as raised, this Court is not inclined to enlarge the petitioner on bail at this stage.

12. Accordingly, the criminal misc. bail application is hereby dismissed.

(RAVI CHIRANIA (V.J.)),J

RINCHU/PARSHANT