HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 7209/2026
CNR: RJHC020435142026 | URN: CRLMB / 13109U / 2026

Narendra Gautam Son Of Late Balbhadra Gautam, R/o Village Vinod Khurd, Police Station Sangod, District Kota (Rajashtan) (At Present Confined In Central Jail Bundi)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Tanmay Sharma Mr. Yogesh Sharma
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP with Mr. Onkar Singh Rajpurohit, PP Mr. Pankaj Gupta with Mr. Naman Yadav, Mr. Saurabh Yadav, Ms. Stuti Dave and Mr. Harshit Bhatt

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HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/08/2026

1 The second bail application under Section 483 of BNSS is filed by the applicant-accused **Narendra Gautam Son Of Late Balbhadra Gautam** seeking bail in respect of a criminal case registered as FIR No.125/2023 dated 24.05.2023 registered at P.S. Jawahar Nagar (Kota City), District - Kota City, for the offence under Sections 302, 341, 323 and 307 of IPC.

2 Learned counsel for the applicant submits that the petitioner has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are

no chance of fleeing of petitioner-accused from the jurisdiction of this Hon'ble Court. The petitioner does not have any criminal antecedents. He also submits that the petitioner undertakes not to repeat offence and cooperate with trial, which will take time.

3 Learned counsel for petitioner submits that first bail application of present petitioner was dismissed on 03.09.2025 and since then trial has not been concluded. He also submitted that there is no criminal antecedents against the petitioner and the disposal of the case will still take time. He further submitted that all the prosecution witnesses are interested witnesses and there is an animosity between the parties, which is quite evident from cross-examination of PW-5 and PW-6. At last, he submitted that for last more than 3 years, petitioner is in custody and on basis of custody itself, he is entitled for bail.

4 Aforesaid contentions were opposed by learned Public Prosecutor and learned counsel for complainant. Learned counsel for complainant has submitted that 29 witnesses out of 32, have already been examined and the trial is at fag end. He also submitted that only the petitioner has been named and there is a CCTV/Video footage about entry and assault by accused and same has been placed on record before the Trial Court.

5 Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.

6 On 03.09.2025, we have considered first bail application of present petitioner and while dismissing the first bail application, we have observed as under:-

> *7. On the basis of report lodged by Heeral (daughter of deceased – Bhawna Sharma) in the morning of 24.05.2023 about incident of night of 23.05.2023 a report is registered by petitioner accused resulting in death of her mother and further assault upon her, an FIR is registered and matter is investigated. After filing of charge-sheet, the trial court has framed charge under Sections 449, 341, 323, 324, 302 and 307 IPC and 4/25 of Arms Act against petitioner accused and as per up-date, 24 witnesses were examined.*
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> *8. The post-mortem report of Bhawna Sharma suggests that there were 16 injuries upon body of Bhawna Sharma and except injury nos. 13 and 16 all are stab/incised wounds. The allegation is upon present petitioner and no other person is named for assault. Heeral Gautam (PW-6) and Naman Gautam (PW-5), who are daughter and son of deceased are eye-witnesses and one of them Heeral has also sustained injuries during assault. The evidence of PW-5 Naman Gautam suggests that his aunt Sarita Gautam has also captured the video. The evidence further suggest that PW-5 and Harshit Gautam have overpowered petitioner accused. PW-6 Heeral has also corroborate the story of prosecution. PW-3 Sarita Gautam, PW-2 Mukesh Gautam have also deposed in favour of prosecution. At the stage of bail it*

is not possible for us to express any opinion on merits of the case but considering the overall circumstances and material, it is apparent that present petitioner is only person who is named throughout and forwarded to face trial.

7 The petitioner is in custody since 23.05.2023, and 29 witnesses out of 32 witnesses have already been examined. Except the petitioner, no other person has been named in the incident and not only on account of eye-witness, but also on basis of other evidence, the prosecution has claimed involvement of present petitioner, therefore, considering the entirety of facts and circumstances of the case, I am of the view that this is not a fit case to enlarge the petitioner on bail.

8 The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicant is prima facie sufficient to consider complicity of applicant in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicant accused on bail.

9 Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application of the applicant accused at this stage

10 Accordingly, the instant second bail application filed under Section 483 of BNSS preferred by **Narendra Gautam Son Of Late Balbhadra Gautam,** is hereby dismissed.

11 The Trial Court is directed to expedite the trial and try to conclude it as early as possible, preferably within a period of three months.

(ASHOK KUMAR JAIN),J

02/GAURAV