HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous IV Bail Application No. 15388/2026
CNR: RJHC020942722026 | URN: CRLMB / 28412U / 2026

Rishi Dhuliya Alias Shakti S/o Rakesh, Aged About 25 Years, R/o Hanuman Temple Ke Pass, Prem Nagar, Kota (Raj.) (Accused Is Confined In Central Jail, Kota)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Ms. Girijesh Chaturvedi
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

20/11/2026

1. The present 4th bail application under Section 483 of BNSS is filed by the applicant-accused **Rishi Dhuliya Alias Shakti S/o Rakesh**, seeking bail in respect of a criminal case registered as FIR No.239/2024 dated 09.08.2024 registered at P.S. Vigyan Nagar, District - Kota City, for the offence under Sections 309(6) and 311 of BNS, 2023.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. She further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon’ble Court. The applicant does not have any criminal antecedents. She also submits that the

applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for the petitioner submit that the 3rd bail application of the present petitioner was dismissed on 1st May 2026 and since then no progress have been achieved. She also submitted that twelve witnesses have been examined and the trial has been delayed. She also referred cross-examination of witnesses and submitted that no recovery has been effected from the petitioner and he is facing unnecessary incarceration. She also submitted that the petitioner undertake to abide by all the conditions.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. He has also filed a report received from concerned Police Station Gumanpura, Kota City.

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

6. First bail application of the present petitioner was dismissed by this Court on 08.08.2025, second on 27.01.2026 and third bail application was dismissed on 01.05.2026 wherein we have observed as under:-

> "First bail application of the present petitioner was dismissed on merits on 08.08.2025, whereas second bail application was dismissed on 27.01.2026. The material clearly indicates that eight witnesses were examined till January 2026. The evidence suggests that two witnesses, Rajput (PW3), Govind (PW2), are injured and both of them have examined by Dr. Arun Sharma (PW8). We have considered the cross-examination of Lokesh

Kumar (PW7). The present petitioner is in custody since his arrest."

7. While considering first bail application on 08.08.2025, we have observed as under:-

> 5. On earlier occasion, bail applications of petitioners co- accused Mohammad Firoz @ Afroz and Rohit @ Golu were dismissed by a Co-ordinate Bench of this Court on 25.09.2024. Thereafter, S.B. Criminal Bail Application of Arjun and 2nd bail application of Rohit @ Golu were also dismissed by a Co-ordinate Bench on 05.02.2025.
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> 6. As per report, two boys after getting hold of Govind have snatched money from his pocket and when he resisted then he was assaulted with knife and when his Chacha Rajput rescued then he was also assaulted with knife. Police has investigated the matter and found that accused Arjun, Rishi Duliya and Mohammad Firoz @ Afroj, Rohit @ Golu, Lakhan Suman, Azharuddin and Ramesh Gurjar were involved in the incident and filed a charge-sheet under Sections 310(2), 311, 312, 111(2)(b) of BNSS against Arjun, Rishi Duliya and Mohammad Firoz @ Afroj and Section 310(2), 311, 312, 111(2)(b) of BNS, 3/25(6) of Arms Act against Rohit @ Golu, under Section 310(2), 311, 312, 111(2)(b) of BNS, 4/25 of Arms Act against Lakhan Suman @ Lakha, under Section 310(2), 311, 312, 111(2)(b) of BNS and Section 5/25(7) of Arms Act against Azharuddin and under Section 111(2)(b) of BNS and 5/25 (7) of Arms Act against Ramesh Gurjar. Petitioner accused Rishi @ Dholia is arrested on 10.08.2024 whereas Lakhan Suman on 14.08.2024. The evidence collected by police indicate that Rishi @ Dholia is main conspirator with accused Mohammad Firoz @ Afroj. The information recorded under Section 27 of Indian Evidence Act shows that Lakhan Suman @ Lakha disclosed information about use of knife at the time of incident. The statement of victim Govind is recorded as PW-2 and we have considered his statement as well. Injured Rajput is examined as PW-3 before the trial Court. PW-3 has named Mohammad Firoz @ Afroj and Rishi for loot of his money."

8. Till date twelve witnesses have been examined and a copy of same has been placed by learned counsel for perusal. The trial court has sent a report on 06.10.2026 which indicate that two accused Lakhan Suman and Arjun Balmiki are absconding. The trial Court may go through the provision of BNSS and record the statements of witnesses even in absence of accused. The trial Court may also adopt process to separate the proceedings of the accused who are absconding but it cannot delay the trial of the accused who are in custody.

9. We have gone through the material available on record including the evidence recorded by the trial court.

10. 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.

11. 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.

12. Accordingly, the 4th application for bail filed under Section 483 of BNSS preferred by the applicant-accused **Rishi Dhuliya Alias Shakti S/o Rakesh**, is hereby dismissed.

13. The trial Court is directed to expedite the trial and try to conclude as early as possible.

(ASHOK KUMAR JAIN),J