

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 8473/2025
CNR: RJHC010615022025 | URN: CRLMB / 17626U / 2025

1.

Suresh Alias Surya S/o Shri Satiya, Aged About 20 Years,
R/o Bhata Ka Pani, Gram Panchayat Jhed, Police Station
Mandva, District Udaipur (Raj.) (Lodged In Sub Jail,
Sumerpur)
2.

Prakash @ Kuka S/o Shri Satiya, Aged About 25 Years,
R/o Bhata Ka Pani, Gram Panchayat Jhed, Police Station
Mandva, District Udaipur (Raj.) (Lodged In Sub Jail,
Sumerpur)

-----Petitioners

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Sunil Kumar Dave Mr. Vinod Kumar
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

10/08/2026

1. The applicants have filed the present bail application under Section 483 being aggrieved against the order dated 16.10.2024 passed by the learned Additional Sessions Judge, Sumerpur, District Pali, in Criminal Misc. Case No.188/2024, whereby the bail application filed by the accused-applicants under Section 483 B.N.S.S. was rejected. The accused-applicants are behind the bars pursuant to the F.I.R. No.217/2024 registered at Police Station Sumerpur, District Pali against the accused-applicants for offence punishable under Section 302 of IPC.

2. Learned counsel for the applicants submits that the accused-applicants have been implicated mainly on the basis of CCTV footage and mobile location. He refers to the CCTV footage, wherein, as per the details given (at page No.93 of the paper book), the deceased was last seen with co-accused Prem, son of Bhuriya on 17.04.2024 at around 12:39 AM. He also refers to the CCTV footage of the accused-applicants, wherein the accused-applicants, along with other co-accused Prakash @ Kuka, Kala @ Kalu @ Kaliya @ Mukesh son of Ditaram and Prabhu son of Satiya, are seen on a different motorcycle at around 12:08:40 AM. He submits that the CCTV footage does not connect the accused-applicants with the offence, as the deceased was seen thereafter with co-accused Prem at a different place.

2.1 Learned counsel further refers to the call details and submits that in the case of accused-applicant Prakash, his mobile location is shown at Sumerpur, where the incident is alleged to have taken place at Koliwara. As regards accused-applicant Suresh, his mobile location is shown at Sumerpur as well as Koliwara, however, his location at Koliwara is shown at around 12:26 AM on 17.04.2024, which is much prior to the deceased being last seen with co-accused Prem at around 12:39 AM. He further submits that the other connecting link is the recovery. As regards accused-applicant Suresh, certain clothes and slippers were recovered, though it is alleged that he informed the police officials that the said clothes and slippers were lying at Palanpur, Gujarat but, as per the recovery memo (at page No.84 of the paper book), the clothes and slippers were recovered from Sumerpur itself. He further submits that though it is alleged that the accused-applicants had

given information regarding recovery of Iron rod, no such recovery has been effected.

2.2 As regards the recovery from accused-applicant Prakash, he submits that a Fawada (tool for digging) was recovered, but the same was not found to be blood-stained. He further submits that the clothes and slippers were also not found to be blood-stained and no FSL report has been produced to connect the said articles with the offence. He further submits that co-accused Movna @ Mova @ Mohan has already been enlarged on bail by a Coordinate Bench of this Court, vide order dated 14.02.2025 passed in S.B. Criminal Miscellaneous Bail Application No.15899/2024 (Movna @ Mova @ Mohan v. State of Rajasthan). He submits that even if the evidence available on record is taken as it is, there is no connecting link and the chain of circumstances is not complete so as to connect the accused-applicants with the offence. He, therefore, implores this Court to allow the present bail application of the accused-applicant.

3. *Per contra*, learned Public Prosecutor opposes the bail application and submits that on the basis of the CCTV footage, mobile location and recoveries made from the accused-applicants, the chain of circumstances is complete and, therefore, the accused-applicants do not deserve to be enlarged on bail.

4. Heard learned counsel for the applicants and learned Public Prosecutor and perused the material available on record.

5. I have considered the submissions made by learned counsel for the parties and also perused the material available on record. The main basis for implicating the accused-applicants appears to be the CCTV footage and their mobile locations. *Prima facie*, the

CCTV footage shows the accused-applicants on a motorcycle at a different place from where the deceased was subsequently seen. The accused-applicants were seen at around 12:08 AM (without deceased in sight), whereas the deceased was thereafter seen at a different place with co-accused Prem at around 12:39 AM on the same date. Thus, the CCTV footage, prima facie, does not connect the accused-applicants with the offence. So far as the mobile locations are concerned, the location of accused-applicant Prakash is shown at Sumerpur, whereas the location of accused-applicant Suresh at Koliwara is shown at around 12:26 AM, i.e. prior to the deceased being last seen with co-accused Prem at around 12:39 AM at Sumerpur. Thus, prima facie, the said material also does not provide a clear connecting link. As regards the recoveries, the learned counsel for the applicants has rightly pointed out inconsistencies. Further, the prosecution has not been able to show that the clothes, slippers or Fawada (tool for digging) recovered from the accused-applicants were blood-stained or otherwise connected with the offence in question. Thus, considering the overall facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicants on bail.

6. Consequently, the bail application under Section 483 B.N.S.S. are **allowed**. It is ordered that the accused-applicants; namely ***Suresh Alias Surya S/o Shri Satiya and Prakash @ Kuka S/o Shri Satiya***, arrested in connection with F.I.R. No.217/2024 registered at Police Station Sumerpur, District Pali, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs.50,000/- and two



sureties of Rs.25,000/- each, to the satisfaction of learned Trial Court, for their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

7. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J