HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 10385/2026
CNR: RJHC010787992026 | URN: CRLMB / 22697U / 2026

Mahendra Khan S/o Shri Mathar Khan, Aged About 35 Years, Resident Of Gangala, Chohatan Police Station, District Barmer. (Lodged In Dist. Jail, Barmer)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. KL Vishnoi
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

10/08/2026

1. The applicant has filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 27.07.2026 passed by the learned Additional District and Sessions Judge, Chohatan, District Barmer, in Criminal Miscellaneous Case No.7/2026, whereby the bail application filed by the accused-applicant under Section 483 of B.N.S.S. was rejected. The accused-applicant is behind the bars, pursuant to the F.I.R. No.65/2026 registered at Police Station Chohtan, Barmer for the offence punishable under Section 64(2)(m) of the BNS.

2. Learned counsel for the applicant submits that as per the FIR itself, the alleged incident happened four months prior the date of lodging of the FIR and even for the second incident, there was a gross delay of around 15 days, for which, no explanation has been

given. He further submits that there is an allegation of a threat being given by the applicant based upon certain objectionable videos and photographs, however, no recovery of mobile phone or any videos and photographs has been made from the applicant. He further submits that the applicant has falsely been implicated and the charge-sheet has already been filed. Therefore, he implores this Court to allow the present Criminal Miscellaneous Bail Application.

3. *Per contra*, learned Public Prosecutor opposes the bail application and submits that considering the nature of the offence, the applicant does not deserve to be enlarged on bail.

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

5. Having considered the arguments advanced by both the sides and having regard to the facts and circumstances of the case, including the facts regarding gross delay in lodging of the FIR, the apparent inconsistencies in the statement recorded of the prosecutrix, no recovery of any objectionable videos and photographs has been made from the mobile of the applicant neither any mobile has been recovered, prima facie apparently fortifies the stand of the applicant with regard to false implication. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the applicant on bail.

6. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant **Mahendra Khan S/o Shri Mathar Khan** arrested in connection with F.I.R. No.65/2026 registered at Police Station Chohtan,

Barmer shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial Court, for his 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 the findings recorded/observations made hereinabove 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

30/Charul Gakhar