RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 16962/2026
CNR: RJHC021023272026 | URN: CRLMB / 31292U / 2026

Rajasthan High Court
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Anuj @ Achintya Govind Das S/o Shri Badriprasad, R/o House No. 707, D-01, Vikaspuri, Anand Nagar, Ajmer (Raj.) At Present Resident Of Flat No. T-02, Lalpuriya Gagan Apartment, Vidhyadhar Nagar, Jaipur (Raj.). (At Present Confined In Central Jail, Jaipur)

----Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Rajveer Singh Gurjar, Adv. with Ms. Seema Shekhar, Adv.
For Respondent(s)	:	Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

1. Date of conclusion of arguments : 28.10.2026

2. Date on which the judgment was reserved : 28.10.2026

3. Whether the full judgment or only the operative part is pronounced : Full Judgment

4. Date of pronouncement : 31.10.2026

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1. The instant bail application has been filed under Section 483 of BNSS on behalf of the petitioner, who has been arrested in connection with FIR No.599/2022 registered at Police Station Vidyadhar Nagar, Jaipur City (North) for offences punishable under Sections 302 & 201 of IPC. After completion of investigation, police filed charge-sheet in this case.

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2. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the present case on wholly baseless allegations. It is contended that the deceased was aunt of the petitioner (his father's sister-in-law) and was suffering from fourth-stage cancer. The petitioner himself was making arrangements for her medical treatment and shared an extremely cordial and affectionate relationship with her, a fact which also finds support from the testimony of the deceased's children. It is submitted that all three children of the deceased were residing separately, whereas the deceased was living alone. The petitioner was also residing separately and, being associated with the Akshaypatra Temple, was actively engaged in social-service activities. Counsel submits that it was the petitioner who informed the police about the disappearance of the deceased, which itself lends support to his innocence.

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3. Counsel submits that the entire prosecution case rests upon circumstantial evidence and there is no cogent or reliable material on record establishing any connection between the petitioner and the commission of the alleged offence. Inviting attention of this Court towards the testimony of the seizure witness, Shyam Lal (police constable) who was examined as PW-20, counsel submits that the chronology of events emerging from his testimony renders the prosecution case highly doubtful and indicates that the petitioner has been falsely implicated. It is pointed out that the FIR in the present case was registered on 16.12.2022. As per the testimony of the seizure witness, on the same night, at about 8:00 P.M., he along with the Investigating Officer left the police station for routine patrolling, and at approximately 9:30 P.M., the

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petitioner, who was standing at Ambawadi Circle, was apprehended. Counsel submits that, thereafter, the entire investigation was allegedly conducted within a span of approximately four hours, during which the dead body was purportedly recovered from a place situated at a distance of about 25 kilometres, followed by the recovery of the alleged hammer, stated to have been used in the commission of the offence, from the flat. It is further submitted that during this remarkably short period, nearly a dozen documents were prepared and the police party returned to the police station at around 2:00 A.M. Counsel submits that the aforesaid sequence of events, particularly the manner and speed with which the alleged recoveries and documentation were completed, casts serious doubt upon the genuineness of the prosecution version.

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4. Counsel further submits that the post-mortem report, read in conjunction with the testimony of the doctors, reveals that the deceased had sustained six injuries, out of which only one injury, inflicted on the head, was ante-mortem, whereas the remaining five injuries were post-mortem in nature. It is submitted that the doctor, in his deposition, categorically stated that the possibility of the ante-mortem injury having been caused by a fall from a height or from a staircase could not be ruled out. Counsel submits that the medical evidence does not conclusively establish that the deceased was subjected to a murderous assault, much less that the petitioner was responsible for inflicting the said injury.

5. It is also contended that the prosecution has failed to establish any plausible motive for the alleged murder. The deceased was already suffering from fourth-stage cancer and was

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in an extremely critical medical condition. In such circumstances, there was no apparent reason for the petitioner to cause her death, particularly when he was himself making arrangements for her treatment and was not likely to derive any benefit whatsoever from her demise. Counsel submits that the petitioner has been in judicial custody for more than three years and ten months, and the examination of eight prosecution witnesses is still awaited. It is submitted that there is no criminal antecedent against the petitioner and considering the period of incarceration already undergone, the nature of the evidence available on record and the further time likely to be consumed in the conclusion of the trial, his continued incarceration is no longer warranted.

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6. In support of his contentions regarding delay in conclusion of trial and the period of incarceration, counsel has relied upon the following judgments of Hon'ble Supreme Court:

(i) Kamlesh V. State of Rajasthan & Anr., Petition for Special Leave to Appeal (Crl.) No.2031/2023, decided on 10.07.2023;
(ii) Balwinder Singh V. State of Punjab & Anr., Petition for Special Leave to Appeal (Crl.) No.8523/2024, decided on 09.09.2024; and
(iii) Hemant @ Himanshu Lodhi V. State of Rajasthan, Petition for Special Leave to Appeal (Crl.) No.18382/2025, decided on 30.01.2026.

7. Learned Public Prosecutor vehemently opposes the submissions advanced on behalf of the petitioner. It is submitted that serious allegations have been levelled against the petitioner.

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It is thus, prayed that looking to the nature and gravity of offence, petitioner does not deserve indulgence of bail.

8. I have heard and considered the submissions advanced at bar and perused the material available on record.

9. Upon perusal of the material available on record, it emerges that the entire prosecution case rests upon circumstantial evidence. The appreciation of the circumstantial evidence is a tedious task and it can only be done when the entire material is brought on record before the trial Court. A perusal of the DNA report would reveal that no human blood was detected on either the hammer or the knife, which were allegedly used in the commission of the offence. It is also pertinent to note that no human blood was detected on the *Saree* belonging to the deceased, which was recovered from the place where the dead body of the deceased was found. Furthermore, the report records that only incomplete DNA profiles were obtained from the two buckets and the trolley bag recovered from the petitioner's flat. It is further noticed that, only 25 witnesses have been examined so far out of the total 33 prosecution witnesses. There is no criminal antecedent against the petitioner apart from the present case. While considering an application for bail, this Court is not required to express any opinion on the quality or credibility of the evidence, as any such observation may prejudice the case of either party during the course of trial. The undisputed position, however, is that the petitioner has remained in continuous judicial custody since 16.12.2022. A perusal of the proceedings further indicates that the petitioner cannot be attributed any responsibility for the

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delay in the expeditious progress of the trial. Thus, this Court feels that looking to the snail's pace at which the trial is proceeding, its conclusion is likely to take considerable time. It is also pertinent to note that no effective or sincere endeavours appear to have been made by the Trial Court to ensure the expeditious conduct and early conclusion of the trial.

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10. This Court observes that the nature and gravity of the offence, alongside the evidentiary materials presented, are not the sole determinants in adjudicating a bail application. The expeditious conclusion of the trial within a reasonable time-frame is an essential consideration when deliberating the grant of bail to an accused. It is a well-entrenched principle of Criminal Jurisprudence that the presumption of innocence remains operative at the pre-conviction stage. The primary objective of incarcerating an accused pre-trial is to secure their presence for trial and to ensure that he/she/they are available to serve the sentence imposed upon him/her/them. Such detention is not intended to be punitive or preventive in nature and an accused cannot be detained for an indefinite period as an individual is presumed innocent until proven guilty by a Court of law. This Court observes that the nature and gravity of the offence, as well as the evidentiary material placed on record, cannot be regarded as the sole determinants while considering an application for bail. The likelihood of the trial being concluded expeditiously and within a reasonable period is equally an important consideration in deciding whether an accused should be enlarged on bail.

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11. In adherence to the fundamental rights enshrined in the Constitution of India, it is impermissible to subject an accused to indefinite incarceration if the trial is protracted beyond reasonable limits. An under trial prisoner, whose culpability is yet to be determined through due process of law, is entitled to the constitutional guarantee of a speedy trial. Unreasonable delay in the conclusion of criminal proceedings adversely affects several facets of an individual's fundamental rights, including the right to personal liberty, freedom of movement, the right to pursue one's profession or occupation, and the right to live with dignity. Such prolonged incarceration, particularly in the absence of a timely conclusion of the trial, raises serious concerns regarding the constitutional mandate of fair, just and reasonable procedure under Article 21 of the Constitution of India.

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12. Accordingly, this bail application is allowed and it is directed that accused-petitioner **Anuj @ Achintya Govind Das S/o Shri Badriprasad**, shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

13. Needless to observe, the petitioner shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the Court.

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14. The observations made hereinabove are only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

Manoj Solanki/-

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