
(2025) 10 RH CK 0081

Rajasthan HC

Case No: Criminal Bail Cancellation Application No. 114 Of 2025

Ajeet Singh

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: Oct. 17, 2025

Acts Referred:

- Bhartiya Nyaya Sanhita, 2023 — Section 103, 109, 190, 191

Hon'ble Judges: Sameer Jain, J

Bench: Single Bench

Advocate: Ashvin Garg, Arti Sharma, Rhishi Raj Singh Rathore, Harendra Singh Sinsinwar

Final Decision: Allowed

Judgement

Sameer Jain, J

1. The present applications have been preferred by the complainant-petitioner seeking cancellation of bail granted to the accused-respondents, namely Rampratap S/o Shri Mahaveer

and Kapil S/o Shri Vikram Singh, by the Court below vide orders dated 21.07.2025 and 30.07.2025, respectively, in connection with FIR No.106/2025, registered for offences under Sections 191(2), 191(3), 190, 103(1) & 109(1) BNS.

2. Learned counsel for the complainant-applicants submitted that the bail orders impugned are liable to be cancelled, as the same have been passed mechanically and without proper consideration of the material on record. It was argued that parity has been erroneously maintained with co-accused Mukesh Devi, who had been granted bail vide order dated 26.06.2025 in S.B. Criminal Misc. Bail Application No. 7704/2024,

primarily on the ground of her being a woman.

3. It was submitted that the said order did not examine the heinous nature of the offence, the life-threatening injuries caused to the deceased, or the specific and active role of each accused. Learned counsel further contended that the case of Mukesh Devi was distinguishable as her bail was granted under different considerations, whereas the accused-non-applicants herein are alleged to have actively participated in the commission of the offence resulting in the death of Vijay Singh (father of the applicant) on the spot.

4. It was further contended that the offence under Section 103(1) of the BNS 2023, pertains to murder, punishable with death or imprisonment for life, and the brutality involved clearly indicates the grave and heinous nature of the crime. Learned counsel urged that the orders impugned are non-speaking and fail to record any finding on the nature of injuries, severity of assault, and specific overt acts attributed to each accused.

5. Reliance placed on the judgment of a Coordinate Bench of this Court in S.B. Criminal Misc. Bail Application No. 861/2021 titled as Khet Singh & Anr. v. State of Rajasthan, by the accused-non-applicants at the time of seeking grant of bail was misnomer by the learned Trial Court, since that matter pertained to an offence triable by a Magistrate, unlike the present case involving murder under Section 103(1) of the BNS.

6. Learned Public Prosecutor assisted the Court.

7. Per contra, learned counsel for the non-applicants had vehemently opposed the prayer for cancellation of bail. It was contended that in the FIR, no specific role has been attributed individually to the accused-respondents apart from their general presence in the alleged unlawful assembly, which also included Mukesh Devi (mother of the accused).

8. It was further submitted that the learned Trial Court rightly considered the period of custody and relied upon the ratio encapsulated in **Khet Singh & Anr.** (supra) whilst granting bail. It was urged that cancellation of bail can only be ordered in exceptional cases, where the order suffers from gross perversity, non-application of mind, or where subsequent supervening circumstances justify interference. Moreover, the non-applicants have not misused liberty nor violated any bail condition.

Consideration and Findings:-

9. Having heard the contentions put forth by respective parties, upon an assiduous perusal of the material available on record, including the case diary, the final report, postmortem report, and the CCTV footage relied upon during the course of arguments, this Court deems it apposite to jot down the following observations:

9.1 It is noted that the bail to both accused-respondents, Rampratap and Kapil, was granted by the same officer vide orders dated 21.07.2025 and 30.07.2025, respectively.

9.2 Both the impugned orders relied upon the decision enunciated in **Khet Singh & Anr.** (supra) and on the bail order dated 26.06.2025 passed in **S.B. Criminal Misc. Bail Application No. 7724/2025** (Supra), wherein bail was granted primarily on the grounds that the applicant therein was a female, had undergone substantial custody, and that the trial was likely to take time.

9.3 However, on a perusal of the charge-sheet, CCTV footage, and the postmortem report, it is evident that the deceased sustained seven injuries, out of which three were grievous head injuries, and the cause of death had been opined to be severe head trauma. The CCTV footage and recovery of blood-stained iron rod prima facie indicate that the accused-respondents actively participated in the assault leading to the death of Vijay Singh.

9.4 Thus, the role of Rampratap and Kapil stands on an entirely different footing from that of Mukesh Devi, whose bail was granted on compassionate and gender-based considerations. The relevant extract from the order dated 26.06.2025 is reproduced herein below:

“Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the parties, especially the fact that the petitioner is a female and trial will take time in its conclusion as well as looking to the period of custody, but without commenting anything on the merits/demerits of the case, I deem it proper to allow the bail application.”

9.5 The learned Trial Court, whilst granting bail to the present accused, mechanically applied the principle of parity without examining their specific overt acts, thereby rendering the orders perverse and reflective of non-application of mind to the material evidence on record.

10. In such circumstances, this Court finds that the bail orders impugned are manifestly unjustified, as they overlook the heinous nature of the offence and the active role of the accused-respondents in the commission of the crime. The Hon^{ble} Supreme Court has consistently held that the power to cancel bail is distinct from the power to refuse bail at the initial stage. Bail once granted may be cancelled where the order suffers from perversity, is passed in ignorance of material facts, or where the Court granting bail has failed to apply its mind to the gravity of the offence and evidence available. In this regard, reliance can be placed upon the ratio encapsulated in *Mahipal v. Rajesh Kumar @ Polia & Anr.*: (2020) 2 SCC 118

wherein it had been observed that when a Court grants bail without considering relevant material or without assigning cogent reasons, the order is liable to be set aside; the State of Kerala v. Mahesh: Criminal Appeal No. 343 of 2021, arising out of SLP (Crl.) No. 1530 of 2021; State of Karnataka vs. Vinay Rajeshekharappa Kulkarni: SLP (Crl.) 6865/2025 (order dated 06.06.2025); Victim "X" v. State of Bihar and anr.: 2025 INSC 877; Sushila Aggarwal v. State

of (NCT of Delhi): (2020) 5 SCC 1.

11. Applying the ratio of the above judgments, it is evident that the orders granting bail to the accused-non-applicants suffer from non-application of mind , are based on irrelevant considerations , and have resulted in miscarriage of justice .

12. In view of the foregoing discussion and having regard to the material on record, this Court is of the considered opinion that the impugned orders dated 21.07.2025 and 30.07.2025, passed by the learned Court below granting bail to the accused- non-applicants Rampratap and Kapil, are perverse, passed in ignorance of material evidence, and hence unsustainable in law. Accordingly, and in view of the settled legal position as laid down in afore-relied ratios, the present applications deserve to be allowed.

13. For the reasons stated above, the present applications for cancellation of bail are allowed. The orders dated 21.07.2025 and 30.07.2025, granting bail to the accused-non-applicants Rampratap and Kapil, are hereby quashed and set aside. The bail bonds stand cancelled. The accused-non-applicants are directed to surrender forthwith before the learned Court concerned, failing which, the learned Trial Court shall take appropriate steps for their arrest and committal to judicial custody in accordance with law.

13. A copy of this order be sent to the learned Trial Court concerned, for compliance.