

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JAIPUR BENCH JAIPUR

S.B. CRL. MISC. BAIL APPLICATION NO...../2026

Abcd@ efgh S/o ijkl, aged about 23 years, R/oPolice Station....., District

(AT PRESENT CONFINED IN.....).

....Accused-Petitioner

Versus

State of Rajasthan through Public Prosecutor.

....Respondent

S.B. CRIMINAL MISC. BAIL APPLICATION UNDER SECTION 483 B.N.S.S. IN FIR NO. /2024 DATED.....2024 REGISTERED AT POLICE STATION....., DISTRICT FOR OFFENCES UNDER SECTIONSAND AGAINST THE ORDER DATED 00.00.2024 PASSED BY Mr., COURT OFJUDGE,IN BAIL APPLICATION NO. /2024 BY WHICH, THE BAIL APPLICATION HAS BEEN DISMISSED UNDER SECTIONtitled as.....

To,

THE HON'BLE CHIEF JUSTICE AND HIS OTHER COMPANION JUDGES OF RAJASTHAN HIGH COURT BENCH AT JAIPUR.

MAY IT PLEASE YOUR LORDSHIPS

The humble petitioner most respectfully

beg to submit as under:- (FACTS)

1. That the complainant filed a written report.....

2.

3.

.....

GROUND

A. Because, alleged in the FIR and hence, the petitioner is entitled for bail in terms of section 483 B.N.S.S.

B. Because the learned court below while dismissing the bail application filed by the accused-petitioner committed an error of facts as well as law. In this respect it is submitted that a bare perusal of the facts and material available on record will show that the accused-petitioner has not committed any offense defined under Indian Penal Code and he has been falsely implicated by the Police in the present criminal case, hence, looking to the above facts and circumstances petitioner is liable to be released on bail.

C. Because, the accused-petitioner has falsely been implicated in this case and the present false, concocted, baseless and delayed the FIR (Annexure-...) has been lodged by the complainant under only just to harass and humiliated the petitioner otherwise the allegation leveled against the petitioner are totally false and concocted and no such incident has taken place as alleged by the complainant but during the investigation the police arrested the accused petitioner and since then

he is judicial custody, hence the petitioner may be enlarged on bail by this Hon'ble Court.

- D.** Because, the offence mentioned in the alleged FIR are not made out against the petitioner from the bare perusal of the F.I.R. as well as from the evidence came on record during investigation, therefore, he has not committed any such alleged offence.
- E.** Because, there is no reasonable ground to believe that the petitioner has committed any such alleged offences punishable with death or imprisonment of life.
- F.** Because The charge sheet filed against the accused lacks relevance and substantive evidence directly implicating them in the alleged offence. A thorough examination of the chargesheet reveals that the information and materials presented primarily focus on the actions of other individuals, with only peripheral references to the accused. This absence of direct evidence linking the accused to the crime raises serious questions about the foundation of the charges. In the absence of concrete evidence, the accused cannot be held accountable for actions that are not clearly associated with them.
- G.** Because The allegations against the accused appear to be based on conjecture and assumptions rather than factual evidence. The prosecution has failed to establish a clear nexus between the accused and the events described in the chargesheet. This lack of relevance undermines the prosecution's case and further supports the argument for bail. It is essential to recognize that mere allegations without

factual backing cannot serve as a valid reason for continued detention.

- H.** Because The prosecution has not presented any compelling evidence to justify the accused's detention. The chargesheet lacks substantive details that could demonstrate the accused's involvement or intention to commit the alleged offence. In such circumstances, it is unjust to keep the accused incarcerated based on vague references or weak claims that do not meet the legal standards required for conviction. The principle of innocent until proven guilty must prevail, especially when the evidence does not support the charges against the accused.
- I.** Because The lack of relevant evidence in the chargesheet raises concerns about the integrity of the investigation process. It suggests that the authorities may have rushed to conclusions without a thorough examination of the facts. The absence of a credible basis for the allegations against the accused points to a possible miscarriage of justice, warranting a reconsideration of the need for detention. The court should take into account the importance of a fair and just process, allowing the accused the opportunity to defend themselves against charges that lack sufficient grounding.
- J.** Because The relevance of the chargesheet is crucial in determining whether the accused poses a threat to society or the judicial process. Given that the charges do not convincingly relate to the accused, there is no substantial justification for denying bail. The accused should not be punished or held in custody based on unfounded accusations that do not have a direct bearing on their conduct or character. The

fundamental rights of the accused to liberty and due process must be upheld, and bail should be granted to ensure that they are not unduly penalized for charges lacking relevance.

K. Because The presumption of innocence is a fundamental right of the accused under the criminal justice system. Despite the chargesheet being filed, the accused is still presumed innocent until proven guilty beyond a reasonable doubt during the trial. Pre-trial detention should not be used as a form of punishment but only as a necessity to ensure justice. The mere filing of a chargesheet does not eliminate this principle, and the accused has the right to seek bail unless there are compelling reasons to deny it. The liberty of an individual should not be unduly curtailed when the law prescribes procedures that respect personal freedom.

L. Because The investigation in the case is complete, and the prosecution has filed the chargesheet, meaning the evidence has already been collected and preserved. The completion of the investigation reduces the risk of tampering with evidence or witnesses. The accused cannot interfere with the investigation as it is now closed. Therefore, the reason for denying bail on the grounds of potential interference does not hold anymore. The focus should shift to whether the continued custody of the accused is necessary, given that all required procedural steps for collecting evidence have been completed.

M. Because The accused is not a flight risk and has demonstrated their willingness to cooperate with the law. Their personal circumstances, including stable family ties, permanent residence, and steady

employment, ensure that they are not likely to abscond or evade trial. They have complied with all investigative requirements and court summons up to this point. These factors point to the fact that the accused can be released on bail without endangering the course of justice. Their commitment to appearing before the court as and when required shows that they will not misuse their liberty once bail is granted.

N. Because The health and personal conditions of the accused further support their release on bail. Continued detention in custody may exacerbate pre-existing health conditions, which could deteriorate due to the lack of adequate medical care in prison. Moreover, the accused may be the primary breadwinner or caregiver for their family, placing undue hardship on their dependents due to their incarceration. These humanitarian considerations call for a compassionate approach by the court in granting bail, particularly when it serves both the interest of justice and the well-being of those dependent on the accused.

O. Because Prolonged pre-trial detention without the commencement or conclusion of the trial infringes on the accused's right to a speedy trial. The legal process may take considerable time before the trial is even started, with potential delays in hearings due to procedural backlogs or unforeseen circumstances. Keeping the accused in custody for such an extended period would be unjust and contrary to the principles of fairness and equity. Bail should be granted to ensure that the accused does not suffer an indefinite deprivation of liberty while awaiting trial in a system that emphasizes timely justice.

- P.** Because The gravity of the offence charged in the case, while relevant, must be balanced against the right to liberty. When the accused is not charged with a heinous crime, there is less justification for continued detention. Courts must consider that the purpose of bail is to ensure the accused's presence during the trial, not to serve as pre-emptive punishment. The nature of the charges, though serious, does not warrant the accused's prolonged detention, especially when they have shown no inclination to abscond or evade trial. The law recognizes the accused's right to bail even in non-bailable offences when the circumstances justify it.
- Q.** Because The accused has no previous criminal record, which demonstrates that they are not a habitual offender or a threat to society. A first-time offender who has maintained a clean record before the current charges deserves leniency in the consideration of bail. Their background shows good character and law-abiding behavior, reinforcing the argument that the accused is not likely to engage in any criminal activities if released on bail. The absence of prior offences strengthens the case for bail, as it shows that the accused is not inherently dangerous or prone to commit further crimes.
- R.** Because The court should consider the parity principle if any co-accused have been granted bail. When others involved in the same case are already released on bail, it is only fair to extend the same to the present accused. The law emphasizes equality before the court, and denying bail to one accused while others in similar circumstances are granted it would be unjust. Ensuring equal treatment fosters

fairness and consistency in the judicial process. The accused should not be discriminated against when there is no significant difference in their involvement in the alleged offence.

S. Because, the petitioner is permanent resident ofand hence, there is no apprehension his absconding or tampering with the prosecution witnesses.

T. Because, no recovery is pending against the petitioner and charge sheet has been filed before Learned Trial Court and hence, he is entitled for bail.

U. Because, the petitioner is in judicial custody sinceand the continued detention of the petitioner is now not warranted for any purpose as now nothing is to be recovered or to be investigated from him. The investigation as well as trial of the case will further take long considerable time, hence also the petitioner may be enlarged on bail.

V. Because, the petitioner is ready and willing to abide every terms and conditions to be imposed by this Hon'ble Court and furthermore he is ready to furnish bail bonds to entire satisfaction of this Hon'ble Court.

W. That looking to the facts and circumstances of the case and the material available on record, the accused petitioner may be enlarged on bail by this Hon'ble Court.

X. That the other grounds in support of this bail application would be urged at the time of arguments.

PRAYER

It is, therefore, respectfully prayed that this bail application may kindly be allowed and the accused petitioner may kindly be released on bail in terms of Section 483 B.N.S.S. in the case F.I.R. No. registered at Police Station .../2024.....,District.....

Jaipur

Dated

HUMBLE ACCUSED PETITIONER

THROUGH HIS COUNSEL

(ABC)

Enroll No. R/ /1999

Email : -----@yahoo.com

Mob. No. : 7734051664

NOTES:-

1. No such bail application has been filed prior to this before this Hon'ble Court or Supreme Court.
2. That a copy of this application has been given to P.P.
3. That the Pie Papers were not readily available hence typed on stout papers.
4. That this bail application has been typed by my private steno-typist in my office who is not member of High Court Staff.
5. That challan has been filed.
6. That it is pertains to Jaipur jurisdiction in Rajasthan High Court Jaipur Bench, Jaipur (Raj.).

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JAIPUR BENCH JAIPUR

S.B. CRL. MISC. BAIL APPLICATION NO..

...../2024

.....

Versus

State of Rajasthan

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COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

BENCH AT JAIPUR.

S.B.Criminal Misc. Bail Application No.____/2023

..... Vs. State of Rajasthan

SYNOPSIS

1. That on the basis of a report filed by....., ageyears, resident OF, Police Station.....,, Rajasthan registered F.I.R.No. /2023 dated 00/ 00/ 2024 for the offence u/s Section, that the alleged incidence took place on 00/ 00/ 2024 and in this report the

2.

Counsel for the petitioner