

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



S.B. Criminal Miscellaneous Bail Application No. 4052/2025

Mohan Lal Jyani S/o Shri Rikta Ram, Aged About 39 Years, R/o Padala Bas, Jasrasar, Police Station Jasrasar, District Bikaner Currently Residing At Pati Peda Road, Navali Gate, Nokha, Bikaner Currently President Shri Veer Tejaji Seva Sehkari Society Ltd., Noka District Bikaner. (Rajasthan).  
(At Present In Central Jail, Jaipur).

----Accused-Applicant

Versus

State of Rajasthan, Through PP

----Respondent

---

For Applicant : Mr. Gouraw Dhiwan, Adv.

For Respondent : Mr. Vivek Sharma, Addl.G.A.  
Ms. Payal Modi, Adv., through V.C.  
(for the complainant)

---

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**Order**

**30/04/2025**

1. The present bail application has been filed by the accused-applicant under Section 483 of the B.N.S.S, 2023 against the order dated 12.03.2025 passed by learned Additional District and Sessions Judge No.2, Jaipur Metropolitan-I, Jaipur in Bail Application No.25/2025 arising out of FIR No.581/2024, registered at Police Station Police Station Mahesh Nagar, Jaipur (South) for the offences punishable under Sections 318(4), 316(2), 338, 351(2)(3), 352 and 79 of B.N.S., 2023 by which the bail application of the accused-applicant under Section 483 of B.N.S.,2023 has been dismissed.

2. Learned counsel for the accused-applicant submits that the accused-applicant has falsely been implicated in this case.

Learned counsel also submits that the accused-applicant and the complainant are having long business transaction. Learned counsel further submits that as per the impugned FIR, the accused-applicant purchased goods from the complainant worth Rs.35,25,100/- and the accused-applicant paid only Rs.11,10,000/- to the complainant and payment of Rs.21,85,000/- is outstanding. Learned counsel further submits that as per the impugned FIR, the accused-applicant submitted a cheque of Rs.21,85,000/- to the complainant, but the same was dishonoured. Thereafter, again another cheque was submitted by the accused-applicant in the Bank, but the same was again dishonoured, therefore, the impugned FIR has been lodged by the complainant against the accused-applicant.

3. Learned counsel for the accused-applicant argues that that the charges levelled against the accused-applicant are triable by Magistrate. Learned counsel also argues that a business transaction has been given color of criminal act, which is not permissible and at the most, the accused-applicant may only be prosecuted for dishonouring of the cheque and not for committing the offences of cheating and criminal breach of trust.

4. Learned counsel for the accused-applicant submits that since 05.03.2025, the accused-applicant is behind the bars and the investigation and trial will take long time to conclude, therefore, the accused-applicant be granted benefit of bail.

5. Learned Additional Government Advocate along with learned counsel for the complainant appearing through video conferencing vehemently oppose this bail application and submit that this is a

serious case of cheating and criminal breach of trust, therefore, the accused-applicant is not entitled to be enlarged on bail.

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

7. Admittedly, it is a case of business transaction between both the parties and an amount of Rs.21,85,000/- is outstanding on the accused-applicant, for which the accused-applicant submitted the cheques and the same were dishonoured.

8. Having regard to the facts and circumstances of the case, and considering the fact that the applicant is in judicial custody since 05.03.2025 and also considering the fact that the trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow the bail application filed by the applicant.

9. Consequently, this bail application filed under Section 483 of the B.N.S.S., 2023 is allowed. It is ordered that accused-applicant

**Mohan Lal Jyani S/o Shri Rikta Ram**, arrested in FIR No.581/2024, registered at Police Station Mahesh Nagar, Jaipur (South) shall be released on bail; provided he furnishes personal bond in the sum of Rs.1,00,000/- and two solvent sureties of Rs.50,000/- to the satisfaction of the trial Court. Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

**(ASHUTOSH KUMAR),J**