



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Criminal Miscellaneous Bail Application No. 9213/2025

Chhoti Devi @ Chhotudi W/o Mangla Ram, Aged About 63 Years,
R/o Rajputo Ka Bas, Jalwana, Police Station Padu Kala, District
Nagaur. (In Judicial Custody At Sub Jail, Merta)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. J.S. Choudhary, Sr. Adv. assisted
by Mr. Pradeep Choudhary
For Respondent(s) : Mr. Surendra Bishnoi, PP
Mr. Ramavtar

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

01/05/2026

The present criminal miscellaneous bail application has been preferred by the petitioner under Section 483 of the BNSS against the order dated 02.07.2025 passed by the learned Sessions Judge, Merta in Criminal Misc. Case No. 192/2025 (arising out of C.R. Case No. 61/2025, Police Station Padukala), Sessions Case No. 45/2025, pending trial before the said Court for offences punishable under Sections 103(1), 331(7), and 3(5) of the BNS.

The present bail application has been filed by the accused, who is alleged to be the mother-in-law of the deceased. The incident pertain to the murder of daughter-in-law of the petitioner. The allegations are that the father-in-law, mother-in-law, and the son of the deceased were involved in strangling and assaulting her





to death. It is further alleged that electric shocks were also administered to ensure her death after she was strangled.

Learned counsel for the petitioner submits that there are omnibus allegation against all accused. The petitioner has been sought to be implicated on the basis of recovery of an electric wire and broken bangles, and her role is being specified only to the extent of administering electric shocks. Relying upon the statements of the doctor who conducted the postmortem, it is argued that since the doctor has opined that the injuries on the body do not correspond to electric shocks, the petitioner's involvement stands negated. It is further submitted that there is no other evidence suggesting that the petitioner strangled the deceased or caused injuries. It is also urged that the petitioner being a woman deserves to be given the benefit of bail in accordance with proviso to Section 480 BNSS. Learned counsel has also relied upon judgments passed by a coordinate Bench of this Court in ***S.B. Criminal Misc. Bail Application Nos. 2466/2010 and 2344/2024.***

Per contra, learned counsel for the complainant submits that the role of the petitioner cannot be confined merely to administering electric shocks, as there are allegations against all three accused persons regarding strangulation. There are no specific allegations segregating the role of the petitioner, and therefore, her involvement cannot be limited as suggested. It is further argued that the statements of the doctor do not exonerate the petitioner.





This Court has considered the arguments advanced by the parties and has perused the charge-sheet, and the statements of the doctor. The allegations are against all three accused persons that they strangled the deceased. The postmortem report states that the cause of death was Asphyxia. The contention that her role is limited only to administering electric shocks, and that such role stands ruled out by the doctor's opinion, cannot be accepted. Merely because the doctor has stated that the injuries do not resemble those caused by electric shock does not absolve the petitioner of her involvement in the incident.

There has been recovery of the wire and broken bangles from the petitioner. Hence, there is a reasonable ground to believe that there is involvement of the petitioner in the commission of offence. The petitioner is involved in serious offence of murder and the charges framed against the petitioner are under Sections 103(1), 331(7) and 3(5) of BNS.

As regards the reliance placed by the learned counsel on the judgments of the coordinate Bench, in view of the observation made above merely because the petitioner is a lady, she cannot be released on bail giving her the benefit of provisos under Section 480 BNS specially when the offences involved are serious in nature. The Hon'ble Apex Court in the case of **Rekha K.C. vs. Jyothibai and Anr. (SLP Criminal No. 13801/2025)** has also held that merely if an accused is a lady the same is no reason to grant bail when the offences alleged against her are serious in nature.





As far as the bail granted to co-accused P S/o Hanuman (son of the deceased) is concerned, the same was granted on the ground that he was a juvenile. In view of the above, no benefit of parity can be extended to the petitioner.

Moreover, the trial in the case has commenced and the statement of the witnesses are being recorded and the Hon'ble Apex Court in the case of **Mr. X vs. State of Rajasthan** reported in **2024 INSC 909** has clearly held that in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused. In such circumstances considering the bail of the petitioner at this stage will certainly have an impact on the pending trial when it comes to appreciating the oral evidence of the victim.

Accordingly, this Court is not inclined to grant bail to the petitioner, and the present bail application is hereby dismissed.

(BALJINDER SINGH SANDHU),J

3-Hanuman/-

