



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



S.B. Criminal Appeal (Sb) No. 377/2025

Mahendra S/o Kaluwaram, Aged About 30 Years, R/o Chhoti Udei, Police Station Peeloda, District Gangapur City. (Currently In Judicial Custody At District Jail Sawai Madhopur)

----Appellant

Versus

1. State Of Rajasthan, through P.P
2. Muniraj Meena S/o Kailash Meena, R/o Chhoti Udei, Police Station Peeloda, District Gangapur City.

----Respondents

For Appellant(s) : Mr. Deepesh Kumar Sharma
For Respondent(s) : Mr. S.K. Sainee, PP
None present for complainant.

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

24/02/2025

1. Heard. Perused the material available on record.
2. This appeal has been preferred on behalf of the appellant under Section 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved of the order dated 11.12.2024 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Sawai Madhopur in Criminal Misc. Bail Application No.245/2024 rejecting bail application preferred on behalf of the appellant who is in custody in connection with FIR No.108/2024, Police Station Piloda, Gangapur City for offences under Sections 191(2), 115(2), 126(2), 127(2), 109(1) BNS and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Amendment Act. Investigation is being conducted for offences



under Sections 191(2), 115(2), 126(2), 127(2), 109(1) BNS and Sections 3(2)(v) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act.

3. Arguing the instant appeal, learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He contends that though there is allegation against the appellant that he caused fire-arm injury on finger of left hand of the injured Muniraj but during medical examination of the injured, no injury on the finger of his left hand was found. However, one other injury on one finger of the right hand was found, which is simple in nature and same has not been opined to be caused by a fire-arm. The appellant is in custody since 08.12.2024 and trial will take considerable time in its conclusion. He thus, craves indulgence of bail for appellant in this case.

4. Per contra, learned Public Prosecutor vehemently and fervently opposes the submissions advanced by appellant's counsel. It is contended that three other cases have been registered against the appellant. It is submitted that since the complainant is absconding in connection with any other case, registered against him, he could not be intimated regarding hearing of this bail appeal.

5. Having regard to the overall facts and circumstances of the case and considering the arguments advanced at bar as also the nature of injuries; period of custody of the appellant and trial will take time in its conclusion but without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the appellant is entitled to be released on bail.



6. Consequently, the appeal is allowed. The order dated 11.12.2024 is set aside and it is ordered that the accused-appellant Mahendra S/o Kaluwaram who has been arrested in connection with the aforesaid FIR No.108/2024, Police Station Piloda shall be released on bail during pendency of the trial; provided he furnishes personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

7. It is made clear that the appellant shall not involve in any other similar offence during currency of the bail. He shall mark his presence in the concerned local police station in the first week of every month till currency of trial. In case, any breach of these condition is reported or come to the notice of the Court, the trial court may cancel the bail granted to him by this Court.

8. The observation made hereinabove is only for deciding this criminal appeal seeking bail and would not prejudice trial in any manner.

(ANIL KUMAR UPMAN),J

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