

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Appeal (Sb) No. 243/2026

Balu Teli S/o Roopchand Teli, Aged About 45 Years, Ward No.01,
House No.230, Singoli, District Neemach Presently Lodged In
District Jail Bhilwara

-----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Smt Prem Devi W/o Lt. Gopal @ Leelapanth, Kesuvilas
Police Station Bijoliya District Bhilwara At Present
Shakergarh Choraha, Raoylti Office Ke Pass, Bijoliya,
Bhilwara

-----Respondents

For Appellant(s) : Mr. Sikander Khan

For Respondent(s) : Mr. RS Chundawat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

26/02/2026

1. The jurisdiction of this Court has been invoked by way of
filing an appeal under Section 14-A(2) of SC/ST (Prevention
of Atrocities) Act at the instance of accused-appellant. The
requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	71/2023
2.	Concerned Police Station	Bijoliya
3.	District	Bhilwara
4.	Offences alleged in the FIR	Section 308, 323, 376, 511, 327 of IPC, 1860 and Section 3(1)(w), 3(2)(va) of the SC/ST Act
5.	Offences added, if any	Section 329 and 376-D of

		IPC, 1860
6.	Date of passing of impugned order	17.12.2025

2. It is contended on behalf of the accused-appellant that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-appellant and he has been made an accused based on conjectures and surmises.
3. It is argued while referring to the statements recorded under Section 164 Cr.P.C. that prosecutrix has specifically levelled allegation of rape against co-accused Prakash. During trial, statement of prosecutrix were recorded as PW-1, wherein too, she has made allegations against co-accused Prakash only. As a matter of fact, there is no offence alleged against the present appellant. Co-accused Chintu has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 20.03.2024 passed in S.B. Cr. Appeal (SB) No.340/2024 and in this case, the role assigned to the present petitioner is not distinguishable from the role assigned to the co-accused Chintu. Based on these submissions, it is argued that the appellant, who is presently in judicial custody since 12.03.2023, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.
4. Contrary to the submissions of learned counsel for the appellants, learned Public Prosecutor opposes the appeal and

submits that the present case is not fit for enlargement of accused on bail. However, he is not in a position to refute the fact that the role assigned to the present appellant is not distinguishable from the role assigned to the co-accused Chintu.

5. Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.
6. Considering the submissions made by learned counsel for both the parties and the facts and circumstances of the case, so also the challan papers and the statement of prosecutrix under Section 164 Cr.P.C.; her statement as PW-1 and the fact that co-accused Chintu has already been enlarged on bail, this Court is of the considered view that no fruitful purpose would be served by keeping the appellant behind bars for an indefinite period. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appeal filed by the appellant deserves to be allowed.
7. Consequently, the instant appeal is allowed. The impugned order dated 17.12.2025 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bhilwara is set aside. It is ordered that the accused-appellant- **Balu Teli S/o Roopchand Teli** arrested in connection with aforesaid FIR, shall be released on bail, provided he furnishes a personal bond of Rs.50,000/- and two sureties 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.

8. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J

240-amar/-