

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Appeal (Sb) No. 414/2026

1.

Ruga Ram S/o Shri Manaram, Aged About 38 Years,
Resident Of Kalyanpur Ps Kalyanpur District Balotara
(Presently Lodged At District Jail, Balotra)
2.

Ganga Singh S/o Shri Khim Singh, Aged About 27 Years,
Resident Of Bhatelai Agolai Ps Balesar District District
Jodhpur Presently Kalyanpura District Balotara (Presently
Lodged At District Jail, Balotra)

-----Appellants

Versus

1.

State Of Rajasthan, Through Pp
2.

Smt. Aasi Devi W/o Shri Sonaram, Resident Of Nagana Ps
Mandali District Balotara

-----Respondents

For Appellant(s)

:

Mr. Deepak Menaria
Mr. Sawai Singh

For Respondent(s)

:

Mr. N.S. Chandawat, PP

For Complainant

:

Mr. Rajesh Bhargava

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, 1989 at the instance of accused-appellants.

The requisite details of the matter are tabulated herein
below:

S.No.	Particulars of the Case	
1.	FIR Number	67/2024
2.	Concerned Police Station	Kalyanpur (Barmer)
3.	District	Balotra
4.	Offences alleged in the FIR	Sections 406, 420, 467, 468, 469, 471, 120-B of the BNS, 2023 and Sections 3(2)(v) and 3(2)(va) of the SC/ST Act
5.	Offences added, if any	--
6.	Date of passing of impugned order	17.02.2026

2. It is contended on behalf of the accused-appellants that no case for the alleged offences is made out against them and their 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-appellants and they have been made accused based on conjectures and surmises.
3. It is argued that the allegation against the present appellants is that they were witness to a surrender deed whereby the land was surrendered to the Government. The appellants are not beneficiaries of the said surrender deed and the present FIR has been lodged as there was some monetary dispute between husband of the complainant and the appellants. A complaint was lodged bearing FIR No.13/2025 at Police Station Kalyanpur (Balotra), District Balotra by the petitioner No.1. It is also submitted that the offence alleged against the present appellants is triable by Magistrate except the offence punishable under SC/ST Act.
 - 3.1 Based on these submissions, it is argued that the appellants, who is presently in judicial custody since 17.02.2026, 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, however, he is not in position to refute the fact that the offence alleged against the present appellants is triable by Magistrate except the offence punishable under SC/ST Act.

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 and the fact that appellants are witnesses of the surrender deed and *prima facie* it appears that the appellants would not have gained anything out of the surrender deed, this Court is of the considered view that no fruitful purpose would be served by keeping the appellants 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 appellants deserves to be allowed.
7. Consequently, the instant appeal is allowed. The impugned order dated 17.02.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Balotra is set aside. It is ordered that the accused-appellants- **1. Ruga Ram S/o Shri Manaram** and **2. Ganga Singh S/o Shri Khim Singh** arrested in connection with aforesaid FIR, shall be released on bail, provided they furnish personal bond of Rs.50,000/- each with 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.

(SUNIL BENIWAL),J