

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

S.B. Criminal Misc(Pet.) No. 2436/2026

1. Mumtaz Ali S/o Mohd Ali, Aged About 39 Years, Resident Of Rangrejo Ka Bass, Ward No 18, Bilara, Jodhpur,
2. Imadad Ali S/o Mohammed Ali, Aged About 41 Years, Resident Of Rangrejo Ka Bass, Bilara, Jodhpur,
3. Shehzad Ali S/o Asharf Ali, Aged About 26 Years, Resident Of Rangrejo Ka Bass, Bilara. Jodhpur,
4. Insaf Ali S/o Mohammed Aliby, Aged About 50 Years, Resident Of Rangrejo Ka Bass Moti Chok, Bilara.

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Ms. Yogita Mohnani
For Respondent(s)	:	Mr. VS Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/03/2026

By way of filing the present misc. petition under Section 528 BNSS, the petitioner seeks to challenge order dated 26.08.2025 passed by learned Special Judge POCSO, Jodhpur in Sessions Case No.41/2024 (State Vs. Shehzad Ali), whereby the bail-bonds and surety bonds of the petitioner were forfeited and proceedings under Section 491 BNSS (formerly Section 446 Cr. P.C.) has been initiated.

Learned counsel for the petitioner submits that the petitioner could not appear before trial court on the scheduled date fixed as he was not well and an application seeking exemption was also

filed, however, the learned trial court has rejected the same and had issued warrants of arrest.

Counsel for the petitioner has relied on the precedent law of Hon'ble Apex Court in **Inder Mohan Goswami & Another Vs. State of Uttaranchal & Others reported in AIR 2008 SC,251.**

A limited prayer is made by the counsel that the warrant of arrest issued by the learned trial court vide order dated 26.08.2025 may be converted into bailable warrant.

In view of aforesaid submission of learned counsel for the petitioner, the present misc. petition is allowed and the arrest warrant issued against petitioner by the trial court, is converted into bailable warrant of Rs.25,000/- and the proceedings initiated under Section 446 Cr. P.C., are also set aside.

The petitioner is directed to appear before the trial Court on or before 15.04.2026 and submit bail bonds.

It is further ordered that in case petitioner fails to appear before the trial Court within the stipulated time frame, then the order dated 26.08.2025 for securing presence of the petitioner through warrant of arrest, shall stand revived.

Stay application and all pending applications, if any, stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J