

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

S.B. Criminal Appeal (Sb) No. 1151/2026

CNR: RJHC010592302026

URN: CRLAS / 2634U / 2026

1. Pukh Raj S/o Vachna Ram, Aged About 27 Years, R/o Sivnathpura, Sanchore, Tehsil Sanchore District Jalore. (At Present Lodged In District Jail Jalore)
2. Mukesh Kumar S/o Chamna Ram, Aged About 29 Years, R/o Rebariyo Ka Goliya, Sanchore, Tehsil Sanchore, District Jalore. (At Present Lodged In District Jail Jalore)

----Appellants

Versus

1. State Of Rajasthan, Through PP
2. Ganpat Lal S/o Javara Ram, R/o Shivnathpura, Sanchore, District Jalore.

----Respondents

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For Appellant(s) : Mr. Dinesh Vishnoi

For Respondent(s) : Mr. Lalit Kishor Sen, PP

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**HON'BLE MR. JUSTICE SUNIL BENIWAL**

**Order**

**17/07/2026**

1. Learned Public Prosecutor submits that notice issued to respondent No.2 has been served.
2. Service report dated 14.07.2026 is taken on record.
3. After attempting to argue the present criminal appeal for some time, learned counsel for the appellants seeks permission to withdraw the present appeal qua appellant No.1 – Pukhraj, at this stage.
4. Accordingly, the present criminal appeal qua appellant No.1 is dismissed as withdrawn.

5. 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-appellant No.2 Mukesh Kumar. The requisite details of the matter are tabulated herein below:

| S.No. | Particulars of the Case           |                                                                                                                        |
|-------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1.    | FIR Number                        | 107/2026                                                                                                               |
| 2.    | Concerned Police Station          | Sanchor                                                                                                                |
| 3.    | District                          | Jalore                                                                                                                 |
| 4.    | Offences alleged in the FIR       | Sections 189(2), 352, 126(2), 115(2) and 74 of BNS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act, 1989 |
| 5.    | Offences added, if any            | Sections 109(1) & 117(2) of BNS, 2023                                                                                  |
| 6.    | Date of passing of impugned order | 06.06.2026                                                                                                             |

6. Learned counsel for the appellant submits that no case for the alleged offences is made out against the appellant No.2 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.

6.1 He further submits that he has been falsely implicated in the present case. While referring to the injury report, learned counsel submits that the injured, Javara Ram, sustained five injuries, out of which three are grievous in nature and two are simple. The other injured, Ganpat Lal, sustained six

injuries, all of which are simple in nature and caused by a blunt weapon.

- 6.2 Learned counsel further submits that the investigation, as well as the statements of the injured witnesses, clearly indicates that the principal allegation of inflicting the head injury upon Javara Ram is against the co-accused, Pukh Raj. So far as the present appellant, Mukesh, is concerned, none of the injured witnesses has specifically attributed any role to him, and only omnibus allegations have been levelled against him.
- 6.3 Based on these submissions, he submits that the appellant, who is in judicial custody since 01.06.2026, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.
7. 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.
8. Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.
9. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the challan papers and the fact that no specific role has been attributed to the present appellant in causing injuries to the injured persons, namely, Javara Ram and Gopal Lal; that none of the injured has assigned any specific role to the present appellant; and that there is no allegation as to the

weapon allegedly possessed by the appellant at the time of the incident, 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.

10. Consequently, the instant appeal is allowed qua appellant No.2. The impugned order dated 06.06.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jalore is set aside. It is ordered that the accused-appellant- **Mukesh Kumar S/o Chamna Ram** 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.
11. 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**