

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Appeal (Sb) No. 1170/2026
CNR: RJHC010636402026 | URN: CRLAS / 2683U / 2026

1.

Surendra Pal S/o Gokul Ram, Aged About 30 Years, Resident Of Village Sawantsar, Police Station Sheruna, Bikaner. Presently Lodged In Centrail Jail Bikaner.
2.

Dinesh S/o Labhuram, Aged About 31 Years, Resident Of Ricco Road No 6 Kayam Nagar Rani Bazar Police Station Gangashaher, Bikaner. Presently Lodged In Centrail Jail Bikaner

----Appellants

Versus

1.

State Of Rajasthan, Through PP
2.

Subhash S/o Bhanwari Lal, Resident Of Khaturia Colony, Bikaner

----Respondents

For Appellant(s)

:

Mr. Vineet Jain, Sr. Advocate asst. by
Mr. Harshvardhan Singh
Mr. Rajiv Bishnoi
Mr. Pravin Vyas

For Respondent(s)

:

Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

05/08/2026

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	149/2022
2.	Concerned Police Station	Jai Narayan Vyas Colony

3.	District	Bikaner
4.	Offences alleged in the FIR	Sections 147, 148, 149, 323, 427, 452 and 307 of the IPC
5.	Offences added, if any	Sections 325, 382 of the IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act
6.	Date of passing of impugned order	25.06.2026

2. Learned counsel for the appellants submits 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.
- 2.1 He further submits that the co-accused Kailash and Anil Khichad who were specifically named in the FIR have already been enlarged on bail. The co-accused- Ratan Nath, Tanveer and Saheel Khan have been granted bail by this Court. The role assigned to the present appellant in the present crime is not distinguishable from the role assigned to co-accused persons namely Ratan Nath, Tanveer and Saheel Khan. He further submits that the present appellants were not initially named in the FIR. He also submits that the appellants came to be implicated only at a later stage on the basis of the statements recorded during the course of the investigation.
- 2.2 Based on these submissions, it is argued that the appellant No.1 Surendra Pal is in judicial custody since 24.06.2026 and appellant No.2- Dinesh is in judicial custody since

25.06.2026, are entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.

3. 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.
4. Heard learned counsel for the appellants and learned Public Prosecutor and perused the material available on record.
5. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the challan papers and considering the fact that Co-accused- Ratan Nath S/o Chunni Lal has been granted bail by this Court vide order dated 03.02.2026 passed in S.B. Criminal Appeal No.59/2026 and the role assigned to the present appellant in the present crime is not distinguishable from the role assigned to co-accused Ratan Nath, Tanveer and Saheel Khan; co-accused Kailash and Anil Khichad specifically named in the FIR, have already been enlarged on bail; and that the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail, in the considered opinion of, 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.

6. Consequently, the instant appeal is allowed. The impugned order dated 25.06.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bikaner is set aside. It is ordered that the accused-appellants- **Surendra Pal S/o Gokul Ram** and **Dinesh S/o Labharam** arrested in connection with aforesaid FIR, shall be released on bail, provided they furnish a personal bond of Rs.50,000/- each 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.
7. 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