

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

S.B. Criminal Appeal (Sb) No. 1971/2025

Mukesh Alias Motaram S/o Pataram, Aged About 28 Years,
Kashmir, Police Station Shiv, District Barmer, Rajasthan (Lodged
In Dist. Jail, Jaisalmer)

----Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

Connected With

S.B. Criminal Appeal (Sb) No. 1972/2025

1. Kailash Kumar S/o Jetharam, Aged About 22 Years,
Gorasiyon Ka Tala, Antiya Police Station, Chohthan, district
Barmer, Rajasthan (Lodged In Dist. Jail, Jaisalmer)
2. Mukesh Kumar S/o Ratanaram, Aged About 26 Years,
Puniyon Ka Tala, Bawadi Kalla Police Station, Chohthan,
district Barmer, Rajasthan (Lodged In Dist. Jail, Jaisalmer)

----Appellants

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Appellant(s)	:	Mr. R.K. Charan Mr. Ashok Bishnoi
For Respondent(s)	:	Mr. U.R. Kalbi, PP Mr. K.L. Chauhan for complainant

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

28/08/2025

Service on the complainant is complete and in pursuance of the notice, learned counsel Mr. K.L. Chauhan puts in appearance for him.

2. The instant appeals have been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No.56/2025, Police Station Phalsoond, District Jaisalmer, for the offences under Sections 308(2), 115(2) & 127(2) BNS and Sections 3(1)(r)(s) & 3(2)(va) of the SC/ST Act against order dated 14.07.2025 passed

by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Jaisalmer whereby, the bail application preferred under Section 483 B.N.S.S. on behalf of the appellants was rejected.

3. Learned counsel for the appellants submitted that the offence except under sections of SC/ST Act are triable by Magistrate. It is also submitted by the learned counsel for appellants that the accused-appellants have falsely been implicated in this case. Learned counsel, while reiterating the averments made in para No.3 of the impugned order dated 14.07.2025, submitted that the appellants are still ready and willing to refund the amount as mentioned in the said para alongwith the amount to be incurred for repairing the vehicle in question. Learned counsel further submitted that learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Jaisalmer has grossly erred in law and facts as well in declining to release the appellant on bail. Lastly, learned counsel has contended that accused-appellants are in judicial custody and the trial of the case will take long time. Therefore, it is prayed that the benefit of bail may be granted to the accused-appellants.

4. Learned Public Prosecutor has vehemently opposed the prayer for bail.

5. Learned counsel for the complainant submits that the complainant has no objection to the grant of bail provided the appellants refund the aforesaid amount as mentioned in the preceding para.

6. Having regard to the entirety of facts and circumstances as available on record, this Court is of the opinion that the order

rejecting the application for bail filed on behalf of the appellants, cannot be sustained and deserves to be set aside.

7. Consequently, the instant appeals are allowed. The impugned order dated 14.07.2025 passed by learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Jaisalmer is set aside. It is ordered that the accused-appellants, (1) Mukesh Alias Motaram S/o Pataram (2) Kailash Kumar S/o Jetharam and (3) Mukesh Kumar S/o Ratanaram arrested in connection with FIR No.56/2025, Police Station Phalsoond, District Jaisalmer, shall be released on bail; provided they refund the amount as prescribed in para No.3 of the impugned order dated 14.07.2025 to the victim/complainant within a period of ten days from today and each of them furnishes a personal bond of Rs.50,000/- and two surety bonds 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 made clear that if the amount as prescribed in para No.3 of the impugned order dated 14.07.2025 is not returned to the complainant within a period of ten days from today, then the complainant shall be at liberty to move an application for cancellation of bail.

(CHANDRA SHEKHAR SHARMA),J