

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 613/2026
CNR: RJHC020269432026 | URN: CRLAS / 1140U / 2026

Tejmal S/o- Sanwla @ Sayal, R/o -Dabhaiyo Ka Pada, Village-Ko-
daya, P.s. - Kapren, District-Bundi-Raj. (Presently Accused In
The Bundi Jail)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Ranjeet, S/o-Sultan, Aged About 40 Years, R/o-Kodakya,
P.s.- Kapren, District- Bundi.

----Respondents

For Appellant(s) : Mr. Atul Kumar Jain

For Respondent(s) : Mr. Devi Singh, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

30/07/2026

1. The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act being aggrieved of the order dated 03.01.2026 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bundi in Bail Application No.01/2026 rejecting the bail application preferred on behalf of the appellant, who is in custody in connection with FIR No.66/2024 registered at Police Station Kapren, District Bundi for the offences punishable under Sections 307 & 323 of IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015). After completion of investigation, police filed charge-sheet in this matter for the offences punishable under Sections 307 & 326 of IPC & Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015).

2. The previous criminal appeal was dismissed as withdrawn by this Court vide order dated 19.08.2025 with liberty to renew the prayer for bail in changed circumstances. Thereafter, appellant preferred a bail application before the learned trial Court, however, same was dismissed vide order dated 03.01.2026.

3. It is contended by learned counsel for the appellant that appellant has falsely been implicated in this case. Counsel submits that though there is allegation against the petitioner of causing head injury, which has been opined as dangerous to life, the petitioner is in custody since 24.04.2024 and as such, he has suffered incarceration of more than two years. It is submitted that vide order dated 13.08.2024, charges were framed against the petitioner for the offences punishable under Sections 307 & 326 of IPC & Section 3(2)(va) of SC/ST Act. Counsel argues that more than one year and eleven months have been passed since the framing of the charges but till date only one witness has been examined, which shows that prosecution has not been diligent in producing its witnesses before the trial Court. It is contended that trial will take considerable time in its conclusion, as only one witness has been examined till date out of twenty three cited prosecution witnesses. In these circumstances fundamental right of the petitioner guaranteed under Article 21 of the Constitution of India is seriously infringed and further custody of the appellant would not serve any fruitful purpose.

4. Per contra, learned Public Prosecutor opposes the prayer for bail made in this appeal. He submits that there is serious allegation against the appellant of causing head injury, which has been opined as dangerous to life. He submits that victim/complainant of this case has duly been informed about hearing of this criminal appeal.

5. Despite information, none appeared on behalf of the appellant to oppose this criminal appeal.

6. Heard learned counsel for the appellant and learned Public Prosecutor. Perused the material available on record.

7. Having regard to the totality of the facts and circumstances; considering the arguments advanced by learned counsel for the parties, especially considering the material available on record in the form of charge-sheet, as also considering the fact that only one witness has been examined till date out of twenty three cited prosecution witnesses, so also the fact that witnesses are not turning up despite issuance of bailable warrants to ensure their presence and trial will take considerable time in its conclusion as trial is going at a snail pace as well as looking to the custody period of the appellant which is more than two years, but without expressing any opinion on merits/demerits of this case, this Court deems it just and proper to enlarge the appellant on bail.

8. Consequently, the instant appeal is allowed. The impugned order dated 03.01.2026 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bundi in Bail Application No. 01/2026 is set aside. It is ordered that the accused-appellant **Tejmal S/o- Sanwla @ Sayal** arrested in connection with FIR No.66/2024 registered at Police Station Kapren, District Bundi, shall be released on bail, provided he furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- 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.

9. The observations made hereinabove are only for decision of the instant appeal (bail) and would not prejudice the trial in any manner.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN/5