

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 1369/2026

URN: CRLAS / 2449U / 2026

Smt. Kanwari Devi W/o Deva Singh, Aged About 63 Years,
Resident Of Rawat Mohalla, Charbhuja Mandir Ke Pas,
Kalyanipura Police Station Alwar Gate District Ajmer.
(Accused Presently Confined In Central Jail Ajmer)

-----Accused-Appellant

Versus

1 State Of Rajasthan, Through P.P

-----Respondent

2 Shivraj Son Of Ghasilal, Resident Of Vaishnav Hostel Ke
Pass, Khanpura Road, Subhash Nagar, Ajmer, Ramganj
(Ajmer), Ajmer, Rajasthan.

-----Complainant/Respondents

For Appellant(s) : Mr. Satvir Singh Rawat

For Respondent(s) : Mr. Vijay Yadav, PP

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

16/07/2026

1. The criminal appeal has been filed assailing the order dated 12.06.2026, passed by learned Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Cases), Ajmer, in Bail Application No. 684/2026, whereby the bail application of the petitioner was rejected in connection with FIR No. 147/2026, Police Station-Ramganj, District-Ajmer, for offences under Section 115(2), 126(2), 110 & 117(2) of BNS, 2023 and Section 3(1)(r), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 (hereinafter referred to as the SC/ST Act).

2. Learned counsel for the petitioner submits that the incident happened in the sudden spur on a fight for stalling a shop of

vegetables which both the parties were carrying on from the long time. He further submits that the appellant is in custody since 11.06.2026 and is age of 63 years. He further submits that offences other than offence punishable under Section 110 of BNS, 2023 are triable by Magistrate and there being no allegation in the FIR of any nature so as to attract the provision of Section 3(2)(va) of the Sc/ST Act.

3. Learned counsel for the petitioner further submits that the injuries sustained by the victim do not make out an offence punishable under Section 110 of the Bharatiya Nyaya Sanhita, 2023. He contends that, out of the three injuries noted in the medical report, two are simple in nature and only one has been opined to be grievous. It is further submitted that Injury No. 1 is alleged to have been caused by a weighing weight, which is a blunt object and not a deadly weapon. Therefore, according to learned counsel, at the highest, the allegations would constitute an offence punishable under the provisions relating to voluntarily causing grievous hurt under the Bharatiya Nyaya Sanhita, 2023, and not an offence under Section 110 BNS.

4. Learned counsel for the petitioner submits that there are no antecedents of committing any offence of similar in nature or any other nature. He further submits that investigation/trial will take considerable long time.

5. Per contra, learned Public Prosecutor has vehemently opposes the present appeal.

6. Heard and perused the material available on record.

7. This Court, without commenting on the merits of the case, and considering that all the offences other than offence under

Section 110 of the BNS, 2023 and the offences of SC/ST Act are triable by Magistrate; victim has also sustained injuries; there are no antecedents of committing any offence of similar in nature or any other nature; investigation/trial will take considerable long time. In view of the aforesaid facts and circumstances, this Court is of the opinion that the present appeal deserves to be allowed.

8. Consequently, the instant appeal is **allowed**. The impugned order dated 12.06.2026, passed by learned Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Cases), Ajmer, in Bail Application No. 684/2026, is set aside. It is ordered that the accused-appellant **Smt. Kanwari Devi W/o Deva Singh**, who is in custody in connection with F.I.R. No. 147/2026, Police Station Ramganj, District-Ajmer, shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- (Rupees: One Lakh Only) with two sureties of Rs.50,000/- (Rupees: Fifty Thousand Only) 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 till the completion of the trial and with additional following conditions:

(i) The appellant shall not leave country without the permission of the Court;

(ii) The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and

(iii) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(BIPIN GUPTA),J