

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 3071/2025

Lalchand Gurjar S/o Ramphool Gurjar, Aged About 46 Years, R/o Village Akodiya, Police Station Shivdaspura, District Jaipur. (Presently Confined In Central Jail Jaipur)

----Appellant

Versus

1. State of Rajasthan, Through Public Prosecutor.
2. Ghanshyam Sharma, S/o Ramavtar Sharma, Resident Of Village Sankarwara, Police Station Todabhim, District Karauli, At Present Vdo, Gram Panchayat Akodiya, Panchayat Samiti Kotkhawada, Jaipur.

----Respondents

For Appellant(s)	:	Mr. Nirmal Kumar Sharma
For Respondent(s)	:	Mr. N.S. Dhakar, PP with Mr. M.S. Shekhawat, PP
For Complainant(s)	:	Mr. Avadesh Kumar Purohit

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/12/2025

1. The instant appeal has been filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Act being aggrieved of the order dated 07.11.2025 passed by learned Special Court, SC/ST (Prevention of Atrocities) Cases, Jaipur Metropolitan-I (Raj.) in Second Bail Application No.245/2025 (CIS No.2207/2025) rejecting the bail application preferred on behalf of the appellant, who is in custody in connection with FIR No.382/2025 registered at Police Station Shivdaspura, District Jaipur City (South) (Rajasthan) for offences punishable under Sections 189(2), 115(2), 126(2), 109(1), 352, 121(1) & 131 of the Bharatiya Nyaya

Sanhita, (in short 'BNS') 2023 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015). After completion of investigation, police filed charge-sheet in this matter for offences punishable under Sections 189(2), 115(2), 126(2), 109(1), 352, 121(1), 131, 190, 191(3), 121(2) & 117(2) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015).

2. On earlier occasion, criminal appeal (bail) filed on behalf of the appellant was dismissed as withdrawn by this Court vide order dated 04.09.2025 while giving liberty to renew the prayer for bail after recording the testimony of injured namely- Arjun Lal as well as medical expert, who prepared the MLC of the injured Arjun Lal. Now, both the aforementioned witnesses have been examined during the course of trial thus, this criminal appeal (bail) has been preferred

3. It is contended by learned counsel for the appellant that appellant has falsely been implicated in this case. Learned counsel submits that no case is made out under Section 109(1) of BNS, 2023 (Corresponding to Section 307 of IPC). Counsel submits that it appears from the testimony of the medical expert that at initial stage, four injuries were found grievous in nature and four other injuries were found simple in nature however, later on, a Medical Board was constituted for giving opinion with regard to the nature of injuries, particularly injury No.8 which was on the head of the injured. Counsel submits that it appears from the testimony of PW-1 who was Member of the Board that opinion of the

Neurosurgeon and Radiologist was required in this matter. Counsel argues that injury No.8 has been opined as dangerous to life without any opinion of the Neurosurgeon and Radiologist. Counsel submits that there is prior enmity between the parties as on an earlier occasion also, FIRs were registered wherein the complainant and the injured were accused persons. It is contended that there is one criminal antecedent against the appellant for offences punishable under Sections 341, 323 and 34 of IPC. It is contended that trial will take considerable time in its conclusion. Counsel submits that appellant is in custody since 31.05.2025 and further custody of the appellant would not serve any fruitful purpose.

4. Per contra, learned Public Prosecutor assisted by learned counsel for the complainant vehemently opposes the prayer for bail made in this appeal. Learned counsel for the complainant submits that appellant caused hindrance in public work of the complainant. It is further submitted that injury on the head of the injured has been opined as dangerous to life.

5. Heard. Perused the material available on record.

6. 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 including testimony of the medical expert and trial will take considerable time in its conclusion as well as looking to the period of custody, but without expressing any opinion on merits/demerits of this case, this Court deems it just and proper to enlarge the appellant on bail.

7. Consequently, the instant appeal is allowed. The impugned order dated 07.11.2025 passed by learned Special Court, SC/ST (Prevention of Atrocities) Cases, Jaipur Metropolitan First (Raj.) in Second Bail Application No.245/2025 (CIS No.2207/2025) is set aside. It is ordered that the accused-appellant **Lalchand Gurjar S/o Ramphool Gurjar** arrested in connection with FIR No.382/2025 registered at Police Station Shivdaspura, District Jaipur City (South) (Rajasthan), shall be released on bail, if not wanted in any other case, 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.

8. It is made clear that the appellant shall mark his presence in the concerned police station once in every three months till conclusion of the trial.

9. Concerned SHO shall record the presence of the appellant in the Roznamcha. In case the appellant fails to mark his presence in the concerned police station, as directed above, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

10. If any breach of this condition is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the bail granted to him by this Court.

11. Office is directed to send a copy of this order to the concerned SHO for necessary compliance.

12. The observations made hereinabove are only for decision of the appeal (bail) and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

LALIT MOHAN /3