HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15348/2024

Todaram S/o Nandaram, Aged About 39 Years, R/o Nat Basti P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur) (Arrest Date -09-09-2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15349/2024

Rahis Ram @ Rais Ram S/o Pahalwan, Aged About 44 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -09/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15350/2024

Circle S/o Pehelwan, Aged About 39 Years, R/o Nat Basti P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -09/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15351/2024

Faridaram S/o Ramdayal, Aged About 65 Years, R/o Tiwari Village Nat Ki Dhani Tehsil Tiwari Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -09/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15352/2024

1. Kewaliya @ Kewalram S/o Shri Ramdayal, Aged About 45 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested - 08/11/2024)
2. Kailash S/o Salifaram, Aged About 34 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -08/11/2024)
3. Viruram @ Virendra S/o Madanram, Aged About 23 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested - 08/11/2024)
4. Mahendra S/o Sadikaram, Aged About 25 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -08/11/2024)
5. Sumeraram S/o Fhata, Aged About 50 Years, R/o Nat Basti Tiwari P.s. Mathaniya Dist Jodhpur(Raj.) (Presently Lodged In Cnetral Jail Jodhpur,arrested -28/10/2024)
6. Rajesh S/o Risaalu, Aged About 45 Years, R/o Nat Basti Tiwari P.s. Mathaniya , Jodhpur.(Presently Lodged In Cnetral Jail Jodhpur,arrested -28/10/2024)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15353/2024

Anil S/o Kailashram, Aged About 19 Years, R/o- Nat Basti, Tiwari, P.s.mathaniya Jodhpur(Raj) (Presently Lodged In Cnetral Jail Jodhpur,arrested -15/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15354/2024

Birbal S/o Salifaram, Aged About 27 Years, R/o- Nat Basti, P.s.mathaniya Jodhpur(Raj) (Presently Lodged In Cnetral Jail Jodhpur,arrested -14/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15355/2024

Sawar Ram @ Sawariya S/o Late Ramu, Aged About 38 Years, R/o- Nato Ki Dhaniyan, Tiwari, Jodhpur(Raj) (Presently Lodged In Cnetral Jail Jodhpur,arrested -09/09/2024)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Mohan Ram
For Respondent(s)	:	Mr. Hathi Singh Jodha, PP Mr. Suresh Kumar Maru, for the complainant

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HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

19/12/2024

These second applications for bail under Section 483 BNSS have been filed by the petitioners who have been arrested in connection with F.I.R. No.145/2024 registered at Police Station Mathaniya, Jodhpur City East, for the offences punishable under Sections 341, 323, 307, 336, 427, 452, 143, 147, 148 and 149 of IPC.

Learned counsel for the petitioner- **Faridaram S/o Ramdayal** does not want to press the instant bail application at this stage but, he seeks leave of the Court to file a fresh bail application after the statements of the injured- Abbas @ Habasiya are recorded.

In view of the discussion made hereinabove, the bail application (CRLMB 15351/2024) filed on behalf of the petitioner- **Faridaram S/o Ramdayal** is dismissed as not pressed with liberty prayed for. It is expected from the trial court that the statement of the injured- Abbas @ Habasiya will be recorded on priority basis.

Heard learned counsel for the parties at Bar. Perused the material available on record.

Drawing attention of the Court towards the challan papers and the injury reports of the injured persons, learned counsel for the petitioner submitted that in the alleged incident which occurred on 25.06.2024, as per the prosecution, the petitioners have inflicted injuries upon the injured persons which are though grievous in nature but not dangerous to life.

Learned counsel submitted that the petitioners are in judicial custody; investigation against them has already been completed; no recovery is due to be made from them and therefore, no fruitful purpose would be served by keeping them behind the bars for an indefinite period and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

Per contra, learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the bail applications. Learned counsel for the complainant submitted that in the alleged incident which occurred on 25.06.2024, the petitioners in a pre-determined manner inflicted the injuries upon the complainant party/ injured persons. Learned counsel for the complainant further submitted that looking to the seriousness of the allegations levelled

against the present petitioners, they do not deserve to be enlarged on bail. However, both the learned counsels were not in a position to refute the fact that in the alleged incident, injured- Abbas @ Habasiya has received an injury which is grievous in nature and dangerous to life and as per the statements of the Abbas @ Habasiya recorded under Sections 161 Cr.P.C., the aforesaid injuries were inflicted by one co-accused Faridaram.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/ demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, these second bail applications (CRLMB 15348/2024, 15349/2024, 15350/2024, 15352/2024, 15353/2024, 15354/2024 & 15355/2024) under Section 483 BNSS are partly allowed. It is ordered that the accused-petitioners **(1) Todaram S/o Nandaram, (2) Rahis Ram @ Rais Ram S/o Pahalwan, (3) Circle S/o Pehelwan (4) Kewaliya @ Kewalram S/o Shri Ramdayal (5) Kailash S/o Salifaram (6) Viruram @ Virendra S/o Madanram (7) Mahendra S/o Sadikaram (8) Sumeraram S/o Fhata (9) Rajesh S/o Risaalu (10) Anil S/o Kailashram (11) Birbal S/o Salifaram and (12) Sawar Ram @ Sawariya S/o Late Ramu** arrested in connection with F.I.R. No.145/2024 registered at Police Station Mathaniya, Jodhpur City East, shall be released on bail, if not wanted in any other case, provided **each of them** furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned trial court, for their appearance before that court on each & every

date of hearing and whenever called upon to do so till completion of the trial.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail applications. The trial court shall not get prejudiced by the same.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

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