HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1419/2025

1. Amit Singh S/o Gulab Singh, Aged About 24 Years, R/o Tanka Ki Dhani, Manana, P.s. Makrana, Dist. Deedwana-Kuchaman,raj. (Presently Lodged In Sub Jail, Makrana)
2. Rahul Singh S/o Anand Singh, Aged About 25 Years, R/o Rajaliya, P.s. Marotha, Dist. Deedwana-Kuchaman,raj. (Lodged In Sub Jail, Makrana)
3. Abhay Singh @ Ami Singh S/o Surendra Singh, Aged About 20 Years, R/o Loroli, Manana, P.s. Makrana, Dist. Deedwana-Kuchaman,raj. (Lodged In Sub Jail, Makrana)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 1596/2025

Pradeep Singh S/o Shri Bhupendra Singh, Aged About 24 Years, R/o Loroli , P.s. Makrana, Dist Deedwana Kuchaman (Raj) (Petitioner Is Lodged In Sub Jail Makrana , Dist Nagaur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 1620/2025

Praveen Singh S/o Shri Karan Singh, Aged About 20 Years, R/o Tanka Ki Dhani , Manana , P.s. Makrana Dist Deedwana - Kuchamana (Presently Lodged At Sub Jail Makrana)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Puna Ram Sen
Mr. Devendra Mahalana
Mr. Devi Singh

For Respondent(s) : Mr. Lalit Kishore Sen, PP
Mr. Ram Pratap Dudi for Complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

04/02/2025

1. These applications for bail under Section 483 of BNSS have been filed by the petitioners who have been arrested in connection with F.I.R. No.386/2024 registered at Police Station Makrana, District Deedwana-Kuchaman for the offences under Sections 189(2), 331(6), 304(2), 326(g), 324(4) & 109(2) of BNS.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the material available on record.

3. Learned counsel for the petitioners submitted that the co-accused persons namely Shakti Singh (S.B. Criminal Miscellaneous Bail Application No.352/2025), Krishan Pal @ Kuldeep Singh (S.B. Criminal Miscellaneous Bail Application No.1259/2025) and Shivraj Singh (S.B. Criminal Miscellaneous Bail Application No.1260/2025) have already been enlarged on bail by this Court vide order dated 29.01.2025. Learned counsel further submitted that the case of the present petitioners is not distinguishable from that of the above named co-accused persons.

4. Learned counsel for the petitioners submitted that the petitioners are in judicial custody; the challan against the present petitioners has already been filed before the competent Criminal Court and trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

5. *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 31.10.2024, the petitioners had brutally beaten the injured persons without there being any provocation and, therefore, looking to the seriousness of the allegations levelled against the present petitioners, they do not deserve to be enlarged on bail.

6. Heard learned counsel for the parties at Bar and perused the order dated 29.01.2025 passed by this Court. The order dated 29.01.2025 is reproduced hereinbelow for ready reference:-

> *"These applications for bail under Section 439 Cr.P.C. (483 BNSS) have been filed by the petitioners who have been arrested in connection with F.I.R. No.386/2024, registered at Police Station Makrana, District Deedwana-Kuchaman, for offences under Sections 189(2), 331(6), 326(g), 115(2), 324(4) and 117(2) of BNS.*
>
> *Learned counsel for the petitioners submitted that the petitioners had no motive to commit the alleged crime. Learned counsel submitted that on 31.10.2024, a free fight took place between the parties wherein the injuries have been received by the complainant party as well as by the accused persons. Learned counsel submitted that for the alleged incident which occurred on 31.10.2024, a cross FIR No.387/2024 has been lodged at P.S. Makrana, District Deedwana-Kuchaman against the complainant party wherein the police after making a thorough investigation has prima facie found the allegations levelled against the members of the complainant party to be correct.*
>
> *Lastly, learned counsel for the petitioners submitted that the petitioners are in judicial custody 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 as well as learned counsel for the complainant have vehemently opposed the bail application. Learned counsels for the complainant submitted that in the alleged incident which occurred on 31.10.2024, the petitioners had brutally beaten the injured persons*

without there being any provocation and looking to the seriousness of the allegations levelled against the present petitioners, they do not deserve to be enlarged on bail.

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

This Court looking to the nature of allegations levelled against the present petitioners, vide order dated 15.01.2025 directed the learned Public Prosecutor to call for the case diaries pertaining to FIR Nos.386/2024 and 387/2024, registered at Police Station Makrana, District Deedwana-Kuchaman.

In compliance of this Court's order dated 15.01.2025, the learned Public Prosecutor has produced the case diaries.

After perusing the case diaries, this Court prima facie finds that the allegations levelled against the members of the complainant party in the FIR No.387/2024 have been prima facie found to be correct by the Investigating Agency. This Court prima facie also finds that in the alleged incident which occurred on 31.10.2024, the injuries allegedly inflicted by the petitioners upon the injured persons are simple in nature. This Court further prima facie finds that the petitioners are in judicial custody and the trial in the present case is not likely to be concluded in the near future; and the prosecution has not shown any apprehension of the present petitioners influencing the material prosecution witnesses of the case or fleeing away from justice or tampering with the evidence, in case, they are enlarged on bail. SThus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioners on bail.

Consequently, these bail applications under Section 439 Cr.P.C. (483 BNSS) are allowed. It is ordered that the accused-petitioners- ***(1) Shakti Singh S/o Shri Karan Singh, (2) Krishan Pal @ Kuldeep Singh S/o Shri Bankat Singh and (3) Shivraj Singh S/o Laxman Singh*** *arrested in connection with F.I.R. No.386/2024, registered at Police Station Makrana, District Deedwana-Kuchaman, 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."

7. Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

8. Consequently, these bail applications under Section 483 of BNSS are allowed. It is ordered that the accused-petitioners **(1) Amit Singh S/o Gulab Singh (2) Rahul Singh S/o Anand Singh (3) Abhay Singh @ Ami Singh S/o Surendra Singh (4) Pradeep Singh S/o Shri Bhupendra Singh and (5) Praveen Singh S/o Shri Karan Singh** arrested in connection with F.I.R. No.386/2024 registered at Police Station Makrana, District Deedwana-Kuchaman 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.

9. A copy of this order be placed in each file.

(KULDEEP MATHUR),J

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