HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15321/2024

Suwa Lal S/o Har Lal, Aged About 45 Years, R/o Tagdiya , Mota Ka Kheda, P.s. Kareda,dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 14833/2024

1. Bhagu S/o Hakma, Aged About 48 Years, R/o Tagdiya Mota Ka Kheda, P.s Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)
2. Bheru Lal S/o Pokhar, Aged About 55 Years, R/o Tagdiya Mota Ka Kheda, P.s Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 14834/2024

1. Heera Lal S/o Ashu Ram, Aged About 36 Years, R/o Tagdiya Mota Ka Kheda, P.s Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)
2. Parasmal S/o Uda, Aged About 35 Years, R/o Tagdiya Mota Ka Kheda, P.s Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)
3. Ishwar S/o Kalu, Aged About 30 Years, R/o Tagdiya Mota Ka Kheda, P.s Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 15322/2024

Laxman Lal S/o Bheru Lal Gurjar, Aged About 30 Years, R/o Tagdiya , Mota Ka Kheda, P.s. Kareda, Dist Bhilwara. (At Present Lodged In Dist Jail Bhilwara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Shiv Kumar Bhati Mr. Bharat Gurjar Mr. Zeeshan Ali Mr. Aslam Khan
For Respondent(s)	:	Mr. Shrawan Singh Rathore, PP Mr. Jaipal Singh for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

09/01/2025

These applications for bail under Section 439 Cr.P.C. have been filed by the petitioners who have been arrested in connection with F.I.R. No.251/2024 registered at Police Station Kareda, Dist. Bhilwara, for the offences punishable under Sections 351(2), 115(2), 109(1), 74, 189(2) of BNS.

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

Drawing attention of the Court towards the challan papers, learned counsel for the petitioners submitted that during the course of investigation it has been found by the investigating agency that there was a pre-existing land dispute between the parties. On the date of the alleged incident, the accused-petitioner Laxman was in a possession of the disputed land. The injured persons namely Nathi W/o Laxman Gurjar along with her daugter-in-laws namely Sajni Gurjar and Sita Gurjar went to cut fodder from the disputed land. Since accused-petitioner Laxman was in possession of the disputed land, he stopped them from entering into the field to which they did not agree and a fight erupt between them.

Learned counsel for the petitioners submitted that a bare perusal of the challan papers clearly indicates that neither the petitioners had any motive to commit the alleged crime nor they were the aggressors. As a matter of fact, the alleged incident occurred when Smt. Nathi Devi and her daughter-in-laws namely Sita and Sajni illegally trespassed the land which was in the possession of petitioner- Laxman.

Lastly, learned counsel for the petitioner submitted that the petitioners are in judicial custody; challan against them has already been filed before the competent criminal Court 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 submitted that looking to the seriousness of the accusations levelled against the present petitioners, they do not deserve to be enlarged on bail.

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that during the course of investigation it has been found by the investigating agency that on the date of alleged incident, the injured persons have forcibly tried to cut fodder from the disputed piece of land which is in possession of the petitioner- Laxman. This Court also *prima facie* finds that initially, the medical jurist in the injury report has indicated that the injury no.1 suffered by Smt. Nathi Devi is though caused by sharp weapon but the same is simple in nature. The medical jurist however later on without conducting physical examination of the injured Smt. Nathi Devi in its report has opined that the injury no.1

(head injury) caused to her is dangerous to life. This Court, in view of the fact that *prima facie* the petitioners had no intention to commit the alleged crime and the alleged incident had occurred in heat of the moment, is inclined to enlarge the petitioners on bail. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserves to be accepted.

Consequently, these bail applications under Section 439 Cr.P.C. are allowed. It is ordered that the accused-petitioners **(1) Suwa Lal S/o Har Lal, (2) Bhagu S/o Hakma, (3) Bheru Lal S/o Pokhar, (4) Heera Lal S/o Ashu Ram, (5) Parasmal S/o Uda, (6) Ishwar S/o Kalu and (7) Laxman Lal S/o Bheru Lal Gurjar** arrested in connection with F.I.R. No.251/2024 registered at Police Station Kareda, Dist. Bhilwara, 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 application. 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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