HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Appeal (Sb) No. 1186/2026
CNR: RJHC010637432026 | URN: CRLAS / 2719U / 2026

Sudheer S/o Sh Sachchida Nand Urf Sachchi, Aged About 31 Years, R/o Ambedkar Colony, Behind Shikhar Hotel, Mount Abu, Police Station Mount Abu, District Sirohi Raj (Presently Lodged In District Jail, Sirohi)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Harsh S/o Sh Raju Aalika, R/o Sitavan, Mount Abu, District Sirohi (Raj)

----Respondents

For Appellant(s)	:	Mr. Chakravarti Singh Rathore
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/08/2026

1. Learned Public Prosecutor submits that notice issued to respondent No.2 has been served.
2. Service report dated 14.07.2026 is taken on record.
3. The jurisdiction of this Court has been invoked by way of filing an appeal under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, 1989, at the instance of accused-appellant. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	31/2026
2.	Concerned Police Station	Mount Abu
3.	District	Sirohi

4.	Offences alleged in the FIR	Sections 191(2)(3), 109(1), 103(1) & 115(2) of BNS, 2023, Section 4/25 Arms Act, 1959 and Sections 3(2)(v)(va) of SC/ST Act, 1989
5.	Offences added, if any	-
6.	Date of passing of impugned order	01.07.2026

4. Learned counsel for the appellant submits that no case for the alleged offences is made out against appellant and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-appellant and he has been made an accused based on conjectures and surmises.

4.1 He further submits that appellant is in judicial custody since 27.05.2026. Although, appellant is named in the FIR, but his presence has not been recorded in the CCTV footage. One of the injured witness Harsh, who has named the present appellant, has not assigned any specific role to the present petitioner whereas the other eye witness Karan has not even named the present appellant.

4.2 Based on these submissions, it is argued that the appellant, who is presently in judicial custody, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.

5. Contrary to the submissions of learned counsel for the appellant, learned Public Prosecutor opposes the appeal and submits that the allegation against the appellant is that, he, along with other co-accused has committed offence under

Section 103 BNS and inflicted injuries with sharp edged weapon to two other persons namely Harsh and Karan. The investigation in the present case has been concluded and challan has been filed, however, statements of key witnesses are yet to be recorded. Considering the allegation of heinous crime against the present appellant, the present case is not fit for enlargement of accused on bail.

6. Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.

7. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the challan papers and considering the fact that he, along with other co-accused has committed offence under Section 103 BNS and inflicted injuries with sharp edged weapon to two other persons namely Harsh and Karan and the statement of material witnesses are yet to be recorded; and that having regard to the totality of facts and circumstances of the case, no case for bail is made out, without further commenting on merits / demerits of the case, this Court is not inclined to enlarge the appellant on bail at this stage.

8. Accordingly, the present criminal appeal is **dismissed** at this stage.

9. However, the appellant would be at liberty to file afresh after the statement of injured witnesses are recorded.

(SUNIL BENIWAL),J