HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 10347/2026
CNR: RJHC010778822026 | URN: CRLMB / 22656U / 2026

Babu Lal S/o Kauda, Aged About 31 Years, Galandar Police Station Ramsagada District Dungarpur Raj. (Lodged At Dist. Jail, Dungarpur)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Manoj Kumar Pareek
For Respondent(s) : Mr. Lalit Kishore Sen, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

10/08/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	187/2023
2.	Date of lodging FIR	08.09.2023
3.	Concerned Police Station	Chorasi
4.	District	Dungarpur
5.	Offences alleged in the FIR	Sections 341, 323, 307 and 34 of the IPC
6.	Offences added, if any	Sections 302, 325 and 120B/34 of the IPC

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him.

2.1 While referring to the FIR and the subsequent charge-sheet filed after completion of the police investigation, learned counsel submits that the principal allegation pertains to causing injuries by the co-accused persons namely Nitesh and Anil. He further submits that neither the FIR contains any specific allegation against the present petitioner nor the outcome of the investigation indicates any role assigned to him in the commission of the alleged offence.

2.2 Learned counsel further submits that the investigation under Section 173(8) Cr.P.C. was kept pending qua the present petitioner. Thereafter, the trial proceeded against the co-accused persons namely Nitesh and Anil, who were ultimately acquitted. Subsequently, when the investigation under Section 173(8) Cr.P.C. remained pending against the present petitioner, he surrendered before the Court and was taken into judicial custody.

2.3 Learned counsel for the petitioner submits that the complainant – Sonal (PW-1) whose statement was recorded before the trial Court turned hostile in the trial which was carried out against the other co-accused. The statements of eye-witnesses namely Deepak (PW-2) and Sunil (PW-3) were also recorded and they too turned hostile. The petitioner is in judicial custody since 21.07.2026 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application, however, however, he is not in a position to refute the fact that in the trial which was conducted against the co-accused, the complainant and other eye-witnesses have turned hostile. He

is also not in a position to refute the fact that the co-accused have been acquitted after facing the trial.

4. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the material available on record.

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the challan papers so also considering the fact that no overt act was assigned to the present petitioner by the complainant in the FIR; even in the charge-sheet, no active role was indicated against the petitioner; in the trial which was held against the co-accused Nitesh and Anil, the complainant and other eye-witnesses turned hostile; and that the prosecution has not expressed any apprehension qua the petitioner fleeing away from justice, in case he is enlarged on bail, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Babu Lal S/o Kauda** shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. 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.

(SUNIL BENIWAL),J

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