



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Bail Cancellation Application No. 3/2024

Ramesh Kumar S/o Shri Babulal, Aged About 43 Years, R/o
Cheela, Lohawat, Dist. Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Rewti Raman Alias Omprakash S/o Shri Dayaram, Aged
About 35 Years, R/o Cheela House, Tehsil Lohawat, P.s.
Lohawat (Raj.).

-----Respondents

For Petitioner(s) : Mr. Shyam Paliwal
For Respondent(s) : Mr. Rajesh Bhati, AGA
Mr. Mahesh Thanvi

HON'BLE MR. JUSTICE FARJAND ALI

Order

ORDER RESERVED ON :: 03/09/2024

ORDER PRONOUNCED ON :: 18/12/2024

BY THE COURT:-

1. The instant application for cancellation of bail has been preferred on behalf of victim Ramesh Kumar, seeking cancellation of the bail granted to Respondent Rewti Raman vide order dated 21.11.2013.

2. Briefly stating the facts of the case are that respondent No. 2 Rewti Raman preferred an anticipatory bail application being SBCRLMB No.14313/2023 on the ground that no case was made out for the alleged offence against him and therefore his arrest in the case was not warranted.

3. While hearing the anticipatory bail application, learned counsel appearing for the accused had mentioned invocation of offence under Sections 143, 323, and 336 of the IPC only, which is



reflecting from the details of the case mentioned in the tabulated form of the order dated 21.11.2023. After hearing submissions advanced by the counsel for the petitioner at that time, this Court had considered that there was a cross case of the same incident and no specific overact was assigned to the petitioner. Considering that he was a defence personnel being LDC in the Air Force and taking note of the submission that arrest in the case may cause incalculable harm to his reputation and service career; the bail was granted to him.

4. The bail cancellation application has been preferred on the ground that true facts were not brought before this court, rather the submissions were wrong regarding institution of a cross case of the same incident. The fact that offence under Section 326 of the IPC had been added on the ground of medical reports of the victim was not appraised to this Court by either of the parties.

5. I have heard counsel for the parties and gone through the records, more particularly the order passed on earlier occasion.

6. As a matter of fact, there was no cross case of the same incident. Cross case would mean two reports of one incident with different narrative. Here, in this case, the FIR No.43/2023 was lodged on 02.02.2023 and the other case which was portrayed as cross case was lodged on 07.10.2023. As per the medical report, the victim sustained four grievous injuries. The situation has aggravated when observed that the victim had lost vision of his left eye permanently. Loss of vision of one eye permanently would certainly a very serious thing and the above fact was not brought



into the notice of this court either by the counsel for the State or counsel for the respondent-accused.

7. In this view of the matter, this Court feels that the benefit of anticipatory bail granted to the respondent-accused should be cancelled owing to the reason of misrepresentation and hiding of true facts particularly, grievous injury on left eye of the victim and addition of Section 326 of the IPC.

8. Accordingly, the application for cancellation of bail is allowed. The bail granted to the respondent No.2 accused Rewti Raman by this Court vide order dated 21.11.2023, passed in SB Criminal Miscellaneous Bail Application No.14313/2023 is hereby cancelled.

9. Taking into account the fact that the respondent-accused is a public servant and a defence personnel, so also the fact that a period of more than one year have elapsed after passing of the said order granting anticipatory bail but no complaint regarding misuse of concession of bail has been reported, therefore, the respondent-accused is directed to surrender before the trial Court on or before 21.01.2025 and to move a regular bail application. Upon surrendering and moving a bail application, the learned trial Judge shall decide the same in accordance with law on the very same day. Till 21.01.2025, the respondent-accused shall not be arrested.

(FARJAND ALI),J

248-Mamta/-