

**(2020) 02 RAJ CK 0236**  
**In the Rajasthan High Court**  
**Case No : Criminal Appeal No. 172 Of 2020**

Akbar Khan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

**Date of Decision :** 11-02-2020

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)(R), 3(2)(VA), 14A

Indian Penal Code, 1860 — Section 120B, 143, 323, 324, 341, 452

**Citation :** (2020) 02 RAJ CK 0236

**Hon'ble Judges :** Vinit Kumar Mathur, J

**Bench :** Single Bench

**Advocate :** Rajendra Choudhary, Shrawan Kumar Bishnoi, Omprakash Choudhary

**Final Decision :** Allowed

## Judgement

In pursuance to the directions issued by this Court on 10.02.2020, the Investigating Officer, namely, Mr. Omprakash Choudhary, Dy.S.P., SC/ST Cell,

Sri Ganganagar, along with case diary is present before this Court.

Learned Public Prosecutor submits that the case diary was already received by the Government Advocate Office but the same was tagged with the

file of the bail application preferred under Section 439 of Cr.P.C. However, on an application being preferred, the said bail application was treated as

an appeal under Section 14-A of the S.C./S.T. Act and therefore, the same could not be produced before this Court on the last date of hearing.

The explanation furnished is satisfactory.

Heard learned counsel for the parties on the main appeal.

The instant appeal has been filed under Section 14A of the S.C./S.T. (Prevention

of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No. 71/2019, Police Station Kotwali, District Sri Ganganagar for the offences under Sections 452, 341, 323, 324, 143 & 120-B of I.P.C. and Sections 3(1)(R) & 3(2)(VA) of S.C./S.T. (Prevention of Atrocities) Act against the Order dated 18.01.2020 passed by the Special Judge, S.C./S.T. (Prevention of Atrocities) Act Cases, Sri Ganganagar whereby the bail application preferred under Section 439 of Cr.P.C. on behalf of the appellant was rejected.

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

Learned counsel for the appellant submits that the injuries suffered by the injured Bhoopram are simple in nature. He further submits that the co-

accused, namely, Kuldeep Singh @ Rana, Pawan @ Vijendra, Pramod Kumar and Vijay Kumar have already been released on bail by a Coordinate

Bench of this Court vide Orders dated 30.10.2019, 21.10.2019 & 20.09.2019, respectively. He, therefore, prays that the appellant may also be released on bail.

Learned Public Prosecutor opposes the bail application but he is unable to distinguish the case of the present appellant vis-a-vis the case of the co-accused persons who have been enlarged on bail.

Having regard to the facts and circumstances of the case and upon a consideration of the arguments advanced and the fact that the co-accused aforesaid have already been enlarged on bail by a Coordinate Bench of this Court, this Court is of the opinion that the appellant is also entitled for the grant of bail.

Consequently, the instant appeal is allowed. The impugned Order dated 18.01.2020 passed by the Special Judge, S.C./S.T. (Prevention of Atrocities)

Act Cases, Sri Ganganagar is set aside. It is ordered that the accused-appellant - Akbar Khan S/o Rehmat Ali arrested in connection with F.I.R. No.

71/2019, Police Station Kotwali, District Sri Ganganagar shall be released on bail provided he furnishes a personal bond of Rs. 50,000/- (Rupees: Fifty

Thousand Only) and two sureties of Rs. 25,000/-(Rupees: Twenty Five Thousand Only) each to the satisfaction of the learned trial Court with the

stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.