
(2023) 11 RAJ CK 0089

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1583 Of 2023

Amir Khan And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 23-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 147, 149, 302, 342

Citation : (2023) 11 RAJ CK 0089

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Abhishek Mehta, Mukhtyar Khan, Ajay Kumar Vyas

Final Decision : Allowed

Judgement

Farjand Ali, J

1. The instant appeal has been filed under Section 14-A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.107/2021, Police Station Deshnok, District Bikaner for the offences under Sections 302, 342, 147, 149 of the IPC and Section 3(2)(v), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, being aggrieved by the order dated 31.07.2023, whereby the application under Section 439 of the Cr.P.C. has been rejected by the trial Court.

2. It is submitted by learned counsel for the appellants that the appellants have falsely been implicated in the present case and they have nothing to do with the alleged offence. Similarly situated co-accused persons have been granted bail and the case of the appellants is in no manner distinguishable from the case of those accused. Expeditious culmination of trial is not a seeming fate and no fruitful purpose would be served by keeping the appellants behind the bars. He, therefore, prays that benefit of bail may be granted to the appellants.

3. Per contra, learned learned Public Prosecutor as well as the learned counsel for the complainant has opposed the bail application.

4. Heard learned counsel for the appellants, learned Public Prosecutor and learned counsel for the complainant and perused the material available on record.

5. The co-accused persons, whose case is not distinguishable from that of the appellants, have already been enlarged on bail. Thus, on the ground of parity, to maintain judicial discipline and consistency and considering the totality of the facts and circumstances of the case and the facts that the charge-sheet has already been filed and trial is going to take long time to conclude, this Court is of the opinion that the appellants deserve to be enlarged on bail.

6. Consequently, the instant appeal is allowed. The impugned order dated 31.07.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Bikaner in Criminal Misc. Bail Application No.1474/2023 is set aside. It is ordered that the accused-appellants, named in the cause title, arrested in connection with aforesaid FIR, 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 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.