

(2020) 11 RAJ CK 0033
In the Rajasthan High Court
Case No : Criminal Appeal No. 1561 Of 2020

Badri Prasad Meena

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-11-2020

Acts Referred:

Scheduled Caste/Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1) (F), 14A
Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 437(3)

Citation : (2020) 11 RAJ CK 0033

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Sanjay Joshi, Banvari Lal Saini, S.S. Ola, Nawal Singh Sikarwar

Final Decision : Allowed

Judgement

The present criminal appeal under Section 14-A of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act has been filed in connection with FIR No.0403/2019 registered at Police Station Kotwali, Dausa District Dausa for the offence under Section(s) 420, 467, 468, 471 & 120-B of I.P.C and later on for the offence under Section(s) 420, 467, 468, 471 & 120-B of I.P.C & Section 3(1) (F) of SC & ST (Prevention of Atrocities) Act, 1989.

It is contended by learned counsel for the appellant that he has falsely been implicated in this case. He submits that the FIR is inordinately delayed and being member of Scheduled Tribe, the provisions of Act 1989 are not applicable upon him, the other offences are triable by Magistrate. He contended that he is in custody since 22.07.2020, investigation as against him is complete, no recovery is to be effected from him, co-accused persons have been extended benefit of bail by this Court and prays for release of the appellant on bail.

Learned Public Prosecutor assisted by the learned counsel for the complainant opposing the bail application submitted that there is grave allegation against the

appellant of duping the complainant by entering into an agreement to sell the same piece of land to third person after execution of agreement in his favour and hence, the appellant does not deserve indulgence of bail.

Heard learned counsels for the parties and perused the record.

Taking into consideration the submissions advanced by learned counsels for the respective parties, the nature of allegation against the appellant, his length of custody; but, without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the appellant on bail.

The order dated 18.08.2020 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Cases), Dausa is quashed and set-aside and this appeal is accordingly allowed and it is directed that accused appellant Badri Prasad Meena S/o Mangiram shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall comply with all the conditions laid down under Section 437(3) Cr.P.C.