

(2023) 11 RAJ CK 0074

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 2358 Of 2023

Bhanwar Lal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 22-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(2)(V), 14A(2)
Indian Penal Code, 1860 — Section 143, 307, 323, 341, 447
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 11 RAJ CK 0074

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Vikas Bishnoi, Rakesh Matoria, Anita Gehlot

Final Decision : Partly Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A(2) of SC/ST(Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with F.I.R. No.218/2023, Police Station Kareda, District Bhilwara for the offence under Sections 143, 341, 323, 447, 307 of IPC and Sections 3(1)(S), 3(2)(V) of SC/ST Act against the order dated 20.10.2023 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases, Bhilwara whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants does not want to the press the appeal qua the appellant No.1 Bhanwar Lal but seeks liberty to file afresh after recording the statement of injured Jagdish Chandra.

Hence, the appeal is hereby dismissed as not pressed with liberty qua appellant No.1 Bhanwar Lal.

So far as appellant No.2 Gajari Devi is concerned, learned counsel for the

appellants submits that no specific allegation has been levelled by the injured against the appellant No.2. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. He further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellant on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has opposed the prayer for bail. Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant No.2, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is partly allowed. The impugned order dated 20.10.2023 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases, Bhilwara, is set aside. It is ordered that the accused-appellant No.2 Smt. Gajari Devi W/o Bhanwar Lal arrested in connection with F.I.R. No.218/2023, Police Station Kareda, District Bhilwara shall be released on bail; provided she furnish personal bond of Rs. 1,00,000/- and two surety bonds of Rs. 50,000/- 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.