

(2022) 02 RAJ CK 0054

In the Rajasthan High Court

Case No : S. B. Criminal Appeal No. 36 Of 2022

Bhawani Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-02-2022

Acts Referred:

Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Amendment Act, 2015 — Section 3(1)(R), 3(1)(S), 3(1)(R)(S), 3(2)(VA), 14A
Indian Penal Code, 1860 — Section 143, 307, 323, 341, 354, 427, 509
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 02 RAJ CK 0054

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : V.L.S. Rajpurohit, Vikram Sharma, R.J. Punia

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

Mr. R.J. Punia, learned counsel has put in appearance on behalf of the respondent No. 2-complainant.

The instant criminal appeal has been filed under Section 14A of the S.C./S.T. (Prevention of Atrocities) Act, 2015 on behalf of the appellants, who are

in custody in connection with F.I.R. No. 355/2021, Police Station Chouhtan, District Barmer for the offences under Sections 143, 341, 323, 509, 354,

427 & 307 of I.P.C. and Sections 3(1)(R), 3(1)(S) & 3(2)(VA) of S.C./S.T. (Prevention of Atrocities) Amendment Act, 2015 against the Order dated

15.12.2021 passed by the Special Judge, S.C./S.T.

(Prevention of Atrocities) Act Cases, Barmer, whereby the bail application preferred under Section 439 of Cr.P.C. on behalf of the appellants was

rejected.

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

Learned counsel for the appellants submits that no grievous injury has been found on the vital part of injured Sangaram. The fractures have been

found on the legs and shoulder of the injured. The case under Section 307 of I.P.C. is not made out. The offence under Sections 3(1)(R)(S) of

S.C./S.T. (Prevention of Atrocities) Amendment Act, 2015 are punishable with imprisonment for maximum period of 5 years and fine. The appellants

are behind the bar since 07.12.2021. There is no likelihood of conclusion of the trial in the near future. On the above grounds, learned counsel for the

appellants prays that the appeal of the appellants may be allowed and they may be enlarged on bail.

Learned Public Prosecutor supported by learned counsel for the respondent No. 2-complainant have opposed the appeal.

Having regard to the rival contentions of learned counsel for the parties as well as facts and circumstances of the case, without commenting upon the

merits of the case, this Court is of the opinion that the appeal filed by the appellants deserves to be accepted.

Consequently, the instant criminal appeal is allowed. The impugned Order dated 15.12.2021 passed by the Special Judge, S.C./S.T. (Prevention of

Atrocities) Act Cases, Barmer is set aside. It is ordered that the accused-appellants (1) Bhawani Singh S/o Vag Singh adopted Son Chug Singh and

(2) Jai Singh S/o Sawal Singh arrested in connection with F.I.R. No. 355/2021, Police Station Chouhtan, District Barmer shall be released on bail

provided each of them furnishes a personal bond of Rs.1,00,000/- (Rupees: One Lac Only) and two sureties of Rs.50,000/- (Rupees: Fifty Thousand

Only) each to the satisfaction of the trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to

do so.