

(2023) 11 RAJ CK 0013

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1595 Of 2023

Dalpat And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 07-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 143, 302, 306, 365, 382
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 11 RAJ CK 0013

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Dhirendra Singh, Puna Ram Sen, Priyanka Borana, S.K. Bhati

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.310/2023, Police Station Kudi Bhagtasani, Jodhpur for the offences under Sections 143, 365, 382, 306 and 302 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, being aggrieved by the order dated 20.07.2023, 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. 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. It is the case of the prosecution that the deceased Jagdish was having relationship with one Gayatri. They wanted to elope and marry, but owing to adverse circumstances, they had to approach to the court and whereafter they obtained an order of protection of their right to life and liberty, whereafter, it is the story of the prosecution that somehow the family members of Gayatri mounted such pressure and created such circumstances, under which deceased Jagdish had no other option, but to end his life. Considering the totality of the facts and circumstances of the case, more particularly, the submission that the elements essential to constitute an offence under Section 306 are blatantly missing and investigation has been completed and trial would take a 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 20.07.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jodhpur Metropolitan in Criminal Misc. Bail Application No.291/2023 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.