

(2017) 07 RAJ CK 0067
In the Rajasthan High Court
Case No : 1093 of 2017

Dhan Singh son of Bhagwan Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 27-07-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 34](#), [Section 323](#)

Citation : (2017) 07 RAJ CK 0067

Hon'ble Judges : P.K. Lohra

Bench : SINGLE BENCH

Advocate : Sumer Singh Rathore, J.P. Bhardwaj

Final Decision : Allowed

Judgement

1. Accused-appellant has laid this appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989") to assail impugned order dated 19.07.2017 passed by Special Court, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Cases, Jaisalmer (for short, "learned trial Court"). By the order impugned, learned trial Court has rejected the bail application of petitioner under Section 439 Cr.P.C. in respect of FIR No.14/2017 of Police Station Khuhadi, District Jaisalmer for offences under Sections 341 and 323 / 34 IPC and Sections 3(1)(r)(s) & 3(2)(va) of the Act of 1989.

2. Learned counsel for the appellant submits that appellant has been falsely implicated in the matter and the allegations contained in the FIR are inherently improbable. Learned counsel for the appellant further submits that co-accused have already been granted bail by learned Court below. Lastly, learned counsel has submitted that all these aspects have not at all been examined by the learned trial Court while rejecting the bail application of appellant.

3. Learned Public Prosecutor has opposed the appeal and submits that looking to the gravity and magnitude of offences attributed to the appellant, no interference with the impugned order is warranted. Learned Public Prosecutor further submits that the learned trial Court, in its discretion, has declined the prayer for bail to the appellant which is not liable to be tinkered with in exercise of appellate jurisdiction.

4. Having heard learned counsel for the parties and taking into account all the facts and circumstances of the case, I feel persuaded to set aside the impugned order.

5. Accordingly, the instant appeal is allowed and the impugned order passed by learned trial Court is set aside. As a consequence of setting aside of the impugned order, the bail application of the appellant is allowed and it is ordered that the accused-appellant, Dhan Singh S/o Bhagwan Singh, arrested in connection with F.I.R. No.14/2017 Police Station Khuhadi, District Jaisalmer, may be released on bail; provided he furnishes a personal bond of Rs.50,000/- with two surety bonds 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.