

(2017) 07 RAJ CK 0060
In the Rajasthan High Court
Case No : 1072 of 2017

Gatu Singh S/o Pahad Singh

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 26-07-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 379](#),
[Section 447](#), [Section 323](#), [Section 427](#) - Punishment for theft - Punishment for criminal trespass - Punishment for

Citation : (2017) 07 RAJ CK 0060

Hon'ble Judges : P.K. Lohra

Bench : SINGLE BENCH

Advocate : Hukam Singh, J.P. Bhardwaj

Final Decision : Allowed

Judgement

1. Accused-appellant has laid this appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989") to challenge impugned order dated 15.07.2017 passed by Special Judge, Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities Act), Jalore (for short, "learned trial Court"). By the order impugned, learned trial Court has rejected the bail application of appellant in respect of FIR No.104/2017 of Police Station Jalore, District Jalore for offences under Sections 379, 323, 427, 447 IPC and Sections 3(1)(r)(s) and 3(2)(va) of the Act of 1989.

2. It is submitted by learned counsel for the appellant that

appellant has been falsely implicated in the matter and during investigation nothing is recovered from him. It is also argued by learned counsel that learned trial Court has not at all examined the matter in right perspective, more particularly, the factum of prima facie involvement of the appellant in commission of offence, which is conspicuously missing. He, therefore, submits that the impugned order is liable to be set aside and appellant may be enlarged on bail.

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 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 order dated 15.07.2017 passed by the learned trial Court rejecting bail plea of the appellant.

5. Accordingly, the instant appeal is allowed and the impugned order passed by the 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, Gatu Singh S/o Pahad Singh, arrested in connection with F.I.R. No.104/2017 Police Station Jalore, District Jalore, 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.