

(2022) 11 RAJ CK 0021

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1568 Of 2022

Goga Bai @ Goga Devi

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(2)(va), 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 120B, 323, 342, 384, 388, 389
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 11 RAJ CK 0021

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Jitender Singh Bhaleria, Javed Gaur, M.S. Soni.

Final Decision : Dismissed

Judgement

Kuldeep Mathur, J

The instant appeal has been filed under Section 14A(2) of the SC-ST Act on behalf of the appellant, who is in custody in connection with FIR No.458/2022, Police Station Hanumangarh Town, District Hanumangarh for the offences under Sections 342, 323, 384, 388, 389 and 120-B of IPC and Section 3(1)(s), 3(2)(va), 3(2)(v) SC/ST Act (Prevention of Atrocities Cases) Hanumangarh, District Hanumangarh in Criminal Misc. Case No.197/2022 whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected. It has been submitted on behalf of the appellants that the challan of the case has already been presented and no investigation is pending against the appellants. The accused-appellant is in judicial custody and the trial of the case will take sufficiently long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant. Learned Public Prosecutor and counsel for the complainant vehemently opposed the prayer made by the counsel for the appellant.

Heard learned counsel for the appellant and the learned Public Prosecutor as well as counsel for the complainant. Perused the material available on record. 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, cannot be sustained and deserves to be set aside. Consequently, the instant appeal is allowed. The impugned order dated 13.09.2022 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act Cases Hanumangarh is set aside. It is ordered that the accused-appellant Goga Bai @ Goga Devi W/o Shri Mahendra Kumar arrested in connection with FIR No.458/2022, Police Station Hanumangarh Town, District Hanumangarh, shall be released on bail provided she 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.