

(2017) 08 RAJ CK 0023
In the Rajasthan High Court
Case No : 1195 of 2017

Gopal Singh @ Durgpal Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 11-08-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 450](#),
[Section 376D](#) - House-trespass in order to commit offence
punishable with imprisonment for life - Intercourse by any member of the
management or staff of

Citation : (2017) 08 RAJ CK 0023

Hon'ble Judges : P.K. Lohra

Bench : SINGLE BENCH

Advocate : Hemant Jain, A. S. Rathore

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 14.07.2017 passed by Special Court, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Cases, Bikaner (for short, "learned trial Court"). By the order impugned, learned trial Court has rejected the bail application of appellant in respect of FIR No.38/2017 of Police Station Naal, Bikaner for offences under Sections 450, 376D IPC and Sections 3(1)(w)(i), 3(2)(v)(va) of the Act of 1989.

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

appellant was having consensual relations with the prosecutrix and he has been falsely implicated in the matter. Learned counsel for the appellant has further argued that the facts narrated in FIR, if objectively examined, then ipso facto reveal that allegations are inherently improbable. It is also argued by learned counsel that appellant is in custody since 30.05.2017 and after investigation, charge-sheet in the matter has already been filed.

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 upon perusal of the materials available on record, in my opinion, learned trial Court has not examined the matter in right perspective. Furthermore, completion of investigation is yet another mitigating factor for considering bail plea of the appellant favorably.

5. Accordingly, the instant appeal is allowed and the impugned order passed by learned trial Court is set aside and bail application of the appellant is allowed. It is ordered that accused-appellant, Gopal Singh @ Durgpal Singh S/o Shiv Singh, arrested in connection with F.I.R. No.38/2017 Police Station Naal, Bikaner, 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.