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**(2022) 09 RAJ CK 0024**  
**In the Rajasthan High Court**  
**Case No : S.B. Criminal Appeal No. 1191 Of 2022**

Gyarsilal

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

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**Date of Decision :** 09-09-2022

**Acts Referred:**

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14A(2)  
Indian Penal Code, 1860 — Section 120B, 340, 365, 366, 370, 376(1)  
Code Of Criminal Procedure, 1973 — Section 439

**Citation :** (2022) 09 RAJ CK 0024

**Hon'ble Judges :** Manoj Kumar Garg, J

**Bench :** Single Bench

**Advocate :** Kalu Ram Bhat, Mukhtiyar Khan

**Final Decision :** Dismissed

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## Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.128/2021 registered at Salamgarh, District Pratapgarh for the offences under Sections 365, 366, 343, 370, 376(1), 120-B of IPC and under Section 3(2)(va) of SC/ST Act, against the order dated 22.07.2022 passed by Learned Special Judge (SC/ST) (Prevention of Atrocities Cases), Pratapgarh whereby, the bail application preferred on behalf of the appellant under Section 439 Cr.P.C. was rejected.

Learned counsel for the appellant submits that now prosecutrix has been examined before the Court as PW-4 and there are material contradictions, improvements and omissions in her statement. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant.

Per contra learned Public Prosecutor opposed the prayer of the appellant.

Heard learned counsel for the appellant as well as learned Public Prosecutor.

I have considered the arguments advanced before me and gone through the material available on record.

According to the statement of the prosecutrix, a specific allegation for committing rape has been levelled against the present appellant, therefore, no case for grant of bail is made out.

Hence, the present appeal filed by the appellant is hereby dismissed.

The trial Court is directed to expedite the trial.