
(2022) 08 RAJ CK 0051

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1161 Of 2022

Hameer Khan And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 27-08-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1) (da)(dha), 3(2)(va), 14A
Indian Penal Code, 1860 — Section 34, 308, 323, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 08 RAJ CK 0051

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Javed Hussain, A.R. Choudhary, Vikash Vishnoi

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

The instant appeal has been filed under Section 14-A SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with F.I.R. No. 16/2022 registered at Police Station Gadraroad, District Barmer for the offences under Sections 341, 323, 308/34 IPC and Section 3(1) (da)(dha) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the order dated 15.7.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities Act Cases), Barmer whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Learned counsel for the appellants submits that the injuries sustained by both the injured are simple in nature. There is no criminal antecedents against the appellants, who are behind the bars since 26.6.2022. After completion of investigation, charge-sheet has already been filed. In the above, circumstances, learned counsel for the appellants prays that the appeal filed by the appellants deserves to be allowed.

On the contrary, learned Public Prosecutor as also learned counsel for the complainant have opposed the appeal.

Having regard to the rival contentions of the learned counsel for the parties and after perusal of the material available on record, in the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court deems it just and proper to grant the bail to the appellants.

Consequently, the instant appeal is allowed. The impugned order dated 15.7.2022 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Act Cases), Barmer is set aside. It is ordered that the accused-appellants, (1) Hameer Khan S/o Jaru Khan; and (2) Nasir Khan S/o Manjhi Khan; arrested in connection with F.I.R. No.16/2022 registered at Police Station Gadraroad, Barmer shall be released on bail; provided they furnish personal bond of Rs.1,00,000/- each with two sound and solvent sureties of Rs. 50,000/- 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.