

(2021) 11 RAJ CK 0025
In the Rajasthan High Court
Case No : S.B. Criminal Appeal No. 759 Of 2021

Imam Bax

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-11-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 306, 376, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 11 RAJ CK 0025

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Bajrang Singh, Anil Bidan, Arun Kuma, S.K.Punia

Final Decision : Dismissed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14A (2) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.100/2021, Police Station Chhattargarh, Distt. Bikaner for the offences under Sections 376, 306, 506 IPC and Section 3(2)(v), 3(2)(va) of SC/ST Act, against the order dated 19.08.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) and Additional Sessions Judge, Bikaner in Criminal Misc. Bail Application (CIS) No.1515/2021 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 appellant has not committed the offences as alleged against him and he is innocent. No offence under Section 376 IPC is made out against him. The prosecutrix committed suicide and there is no allegation of abetment as well. The learned court below has grossly erred in law and facts as well as in declining to release the appellant on bail.

Per contra, learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the prayer of bail made by the petitioner.

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

Apparently, the prosecutrix was 17 years old girl and her sister, namely, Santosh has specifically stated that accused-appellant had committed rape with the deceased and also threatened her of dire consequences due to which she committed suicide. In the facts and circumstance of the case, I am not inclined to extend the benefit of bail to the appellant.

Accordingly, this criminal appeal preferred by the appellant is dismissed. However, the appellant is granted liberty to file fresh appeal after recording the statement of Santosh. The trial court is directed to record the statement of the said witness as first witnesses as early as possible preferably within a period of three months from the date of the receipt of certified copy of this order.