

(2019) 09 RAJ CK 0201

In the Rajasthan High Court

Case No : Criminal Appeal No. 1166, 1242, 1305 Of 2019

Jogaram And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-09-2019

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(va), 3(I)(2)(v)(va), 14A(2)
Indian Penal Code, 1860 — Section 34, 306, 341, 323, 365, 382, 384

Citation : (2019) 09 RAJ CK 0201

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Chiranji Lal Mali, Rakesh Matoria, R.J. Punia, Laxman Solanki, Ravindra Khichi, J.P. Kuldeep

Final Decision : Allowed

Judgement

These criminal appeals under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') have been filed on behalf of appellant - Jogaram, Jume Khan @ Jamal Deen and Maga Ram being aggrieved with the orders dated 04.09.2019, 21.08.2019 and 03.09.2019 respectively passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Cases), Barmer (hereinafter to be referred as 'trial court') in Criminal Misc. Case Nos.281/2019, 259/2019 and 280/2019 respectively whereby the trial court has dismissed the bail applications filed on behalf of the appellants.

Aappellant-Jogaram apprehends his arrest whereas appellants-Jume Khan @ Jamal Deen and Maga Ram have been arrested in connection with FIR No.151/2019 of Police Station Shiv, District Barmer for the offence punishable under Section 341, 323, 365, 382, 384, 306/34 IPC and Sections 3(2)(v), 3(2)(va) and 3(I)(2)(v)(vd) of SC/ST Act.

Learned counsel for the appellants have submitted that the allegations against

the appellants of instigating the deceased to commit suicide is absolutely false. It is argued that as a matter of fact the fiancé of the deceased came to the village to meet her and the appellants objected the same while saying that it is not proper to meet the engaged couple in public place in the village and on account of that they had some altercation with the fiancé of the deceased. Learned counsel for the appellants have submitted that the action of the appellants of objecting the meeting of the deceased and her fiancé could not be termed as action of instigating of deceased to commit suicide. It is submitted that appellants - Jume Khan @ Jamal Deen and Maga Ram are in judicial custody and the trial of the case will take time.

Learned Public Prosecutor has opposed the prayer made on behalf of the appellants in these criminal appeals.

Heard learned counsel for the appellants as well as learned Public Prosecutor assisted by learned counsel for the complainant and also perused the material on record.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to allow the appeals filed by the accused appellants under Section 14A(2) of SC/ST Act.

Accordingly, these criminal appeals filed under Section 14A(2) of SC/ST Act are allowed and the orders dated 04.09.2019, 21.08.2019 and 03.09.2019 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Cases), Barmer in Criminal Misc. Case Nos.281/2019, 259/2019 and 280/2019 are set aside.

It is directed that in the event of arrest of the appellant Jogaram S/o Shri Shankerlal in connection with FIR No.151/2019 of Police Station Shiv, District Barmer he shall be enlarged on bail provided he furnishes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of the concerned I.O./S.H.O. on the following conditions:-

- (i) He shall make himself available for interrogation by Investigating Officer as and when required;
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;
- (iii) He shall not leave India without the previous permission of the court.

It is further directed that appellants - Jume Khan @ Jamal Deen S/o Kayam Khan and Maga Ram S/o Kishna Ram shall be released on bail in connection with FIR No.151/2019 of Police Station Shiv, District Barmer provided each of them executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for their

appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.