
(2023) 07 RAJ CK 0022
In the Rajasthan High Court
Case No : Criminal Appeal No. 432 Of 2023

Kailash Bishnoi

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 06-07-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R), 3(1)(S), 3(2)(Va), 14A
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 325, 382, 427, 452
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 07 RAJ CK 0022

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Shree Kant Verma, Vikram Sharma

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The instant appeal has been filed under Section 14 A SC and ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.149/2022, registered at Police Station Jainarayan Vyas Colony, District Bikaner for the offences under Sections 307, 325, 382, 452, 427, 323, 147, 148, 149 IPC and Sections 3(1)(R), 3(1)(S), 3(2)(Va) of the SC and ST (Prevention of Atrocities) Act against the order dated 29.03.2023 passed by the learned Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases Bikaner whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Heard learned counsel for the appellant and learned public prosecutor. Perused the material available on record.

Learned counsel for the appellant submitted that the injuries alleged to have been inflicted by the appellant are though grievous in nature but not dangerous

to life. Learned counsel further submitted that the alleged injuries have not been inflicted on vital body part of the complainant.

Learned counsel for the appellant submitted that similarly situated co-accused namely Tanveer Khan and Anil Khichar have already been enlarged on bail by this Court vide order dated 24.01.2023 in Criminal Appeal No.1901/2022. Learned counsel further submitted that the case of present appellant is not distinguishable from that of co-accused Tanveer Khan and Anil Khichar, who have already been enlarged on bail. It was submitted that the appellant is in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has opposed the prayer for bail. Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 29.03.2023 passed by the learned Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases Bikaner is set aside. It is ordered that the accused- appellant Kailash Bishnoi S/o Hetram Bishnoi arrested in connection with F.I.R. No.149/2022, registered at Police Station Jainarayan Vyas Colony, District Bikaner shall be released on bail; provided he furnishes a personal bond of Rs. 50,000/- and 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.