

(2022) 05 RAJ CK 0009

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 237 Of 2022

Kalu Thanvi

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 04-05-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R)(S), 3(2)(5), 14A(2)
Indian Penal Code, 1860 — Section 306, 504, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 05 RAJ CK 0009

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : J.S.Choudhary, Pradeep Choudhary, Anita Gehlot, Vijay Choudhary

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

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

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 C.R. Case No.86/2022, Police Station Phalodi (Jodhpur) for the offences under Sections 306, 504, 506 of IPC and Sections 3(1)(R)(S), 3(2)(5) of SC/ST Act, against the order dated 05.03.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Jodhpur in Criminal Misc. Bail Application No.60/2022 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 there is no evidence against the appellant regarding abetment to commit suicide. The appellant has not committed the offences alleged against him and he is innocent. Challan of

the case has already been presented and no investigation is pending. The appellant is in judicial lock up and trial of the case will take sufficient long time. In these circumstances, the appellant may be released on bail

Learned Public Prosecutor and learned counsel for the complainant have opposed the prayer for bail.

Having regard to the entirety of facts and circumstances of the case 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 05.03.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Jodhpur is set aside. It is ordered that the accused appellant Kalu Thanvi @ Ramdayal S/o Sh. Bhanwar Lal shall be released on bail in C.R. Case No.86/2022, Police Station Phalodi (Jodhpur) provided he furnishes a personal bond of Rs.1,00,000/- and two surety bonds 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.