
(2021) 12 RAJ CK 0065

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 814 Of 2021

Kaluram S/O Gheesaram

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-12-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 14A
Indian Penal Code, 1860 — Section 34, 307
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 12 RAJ CK 0065

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Narendra Singh Rajpurohit, Mukesh Rajpurohit, J.P. Bhardwaj

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14A SC/ST (Prevention of Atrocities) Act, 1989 on behalf of the appellant, who is in custody in connection with F.I.R. No.135/2021, P.S. Sadar Pali, District Pali, for the offence under Section 307/34 of IPC and Section 3(2)(V) of S.C./S.T. Act against the order dated 25.08.2021 passed by the learned Special Judge Scheduled Cast/Scheduled Tribe (Prevention of Atrocities Act Cases), Pali, District Pali, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Counsel for the appellant submits that compromise has arrived at between the parties. Counsel further submits that injured has already been discharged from the hospital. Challan of the case has already been presented. Accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant. The learned court below has grossly erred in law and facts as well in

declining to release the appellant on bail.

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

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

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 25.08.2021 passed by the learned Special Judge Scheduled Cast/Scheduled Tribe (Prevention of Atrocities Act Cases), Pali, District Pali is set aside. It is ordered that the accused-appellant Kaluram S/o Gheesaram arrested in connection with F.I.R. No.135/2021, P.S. Sadar Pali, District Pali shall be released on bail; 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.