

(2024) 02 RAJ CK 0075

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 222 Of 2024

Kamlesh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 19-02-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s)(w), 3(2)(v), 14A
Indian Penal Code, 1860 — Section 120B, 143, 307, 323, 341, 354, 379
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 02 RAJ CK 0075

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : N.K. Gurjar, Anita Gehlot

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with F.I.R. No.104/2023 registered at Police Station Badaliyas, District Bhilwara for the offences punishable under Sections 143, 341, 323, 354, 307, 379 and 120B IPC and Sections 3(1)(r)(s)(w) and 3(2)(v) SC/ST Act against the order dated 29.01.2024 passed by the learned Special Judge, SC/ ST Court, Udaipur, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

The first appeal was decided with liberty to file fresh criminal appeal after recording the statement of injured Modaram.

Learned counsel for the appellants submits that on about five occasions before the trial injured Modaram did not appear before the trial court. Challan of the case has already been presented. The appellants are in judicial custody since

30.04.2023 and the trial of the case will take sufficiently long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellants. 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 parties 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 appellants, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 29.01.2024 passed by the learned Special Judge, SC/ ST Court, Bhilwara is set aside. It is ordered that the accused-appellants- (1) Kamlesh S/o Satya Narain (2) Mukesh S/o Shri Satyanarayan and (3) Roshan Lal S/o Bheru Lal arrested in connection with F.I.R. No.104/2023 registered at Police Station Badaliyas, District Bhilwara shall be released on bail; provided each of them 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.