

(2017) 03 RAJ CK 0032
In the Rajasthan High Court
Case No : 237 of 2017

Karmiram S/o Bharmalji

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 07-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 147](#),
[Section 324](#)

Citation : (2017) 03 RAJ CK 0032

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : MK Garg, Pankaj Awasthi, Sunil Joshi

Final Decision : Allowed

Judgement

1. Heard learned counsel for the appellants and learned Public Prosecutor as well as learned counsel for the complainant. Perused the material available on record.
2. The instant appeal has been filed under Section 14A(2) SC/ST (PA) Act on behalf of the appellants, who are in custody in connection with F.I.R. No.88/2016, Police Station Jaswantpura, District Jalore for the offences under Sections 147, 148, 323, 324, 326, 307 & 149 IPC and Section 3(2)(va) of the SC/ST (PA) Act against the order dated 20.1.2017 passed by the Special Judge, SC/ST (PA) Cases, Jalore whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

3. Injured Vikram Singh in his statement has clearly mentioned that the appellant no.2 Gamna Ram was simply standing nearby at the time of the incident with a lathi. So far as the appellant no.1 Karmiram is concerned, there is an allegation of injured that he inflicted injuries on his person. No less than 31 injuries were caused to Vikram Singh in the incident, of which 3 were opined to be life endangering. In this view of the matter and having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, I am not inclined to grant bail to the appellant no.1 Karmiram. However, the appellant no.2 Gamna Ram deserves to be released on bail.

4. Consequently, the instant appeal is partly allowed. The impugned order dated 20.1.2017 passed by the Special Judge, SC/ST (PA) Cases, Jalore is affirmed qua the appellant no.1 Karmiram whilst the same is set aside to the extent of the appellant no.2 Gamna Ram. It is ordered that the accused-appellant, Gamna Ram arrested in connection with F.I.R. No.88/2016, Police Station Jaswantpura, District Jalore 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.