

(2023) 10 RAJ CK 0068

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1894 Of 2023

Kishan And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 07-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s)(w), 3(2)(Va), 14A
Indian Penal Code, 1860 — Section 143, 307, 323, 325, 354
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 10 RAJ CK 0068

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Vijay Bishnoi, Arun Kumar, Jitendra Choudhary

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.112/2023 registered at Police Station Sadar, District Nagaur for the offences punishable under Sections 143, 323, 307, 325 & 354 of the IPC and Sections 3(1)(r)(s)(w) & 3(2)(Va) of the SC/ST (Prevention of Atrocities) Act against the order dated 28.08.2023 passed by the learned Special Judge (SC/ST Cases) Merta, District Nagaur, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Learned counsel for the appellants submits that grievous injury is caused on the non-vital parts of the body of the injured and injured has already been discharged from the hospital. No investigation is pending against the appellants. The appellants are in judicial custody 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 appellants on bail.

Learned Public Prosecutor and counsel for the complainant have vehemently 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 28.08.2023 passed by the learned Special Judge (SC/ ST Cases) Merta, District Nagaur, is set aside. It is ordered that the accused-appellants, (1) Kishan S/o Shri Bhanwar Lal and (2) Islamudeen S/o Shuleman, both arrested in connection with F.I.R. No.112/2023 registered at Police Station Sadar, District Nagaur 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.