
(2021) 09 RAJ CK 0056

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1056 Of 2021

Laddu Gopal Sharma

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 17-09-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(V), 14A

Indian Penal Code, 1860 — Section 376D Code Of Criminal Procedure, 1973 — Section 164, 437(3)

Citation : (2021) 09 RAJ CK 0056

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Vijay Singh Poonia, F.R. Meena, Surendra Mahawar

Final Decision : Allowed

Judgement

Mahendar Kumar Goyal, J

The present criminal appeal under Section 14-A of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act has been filed in connection with FIR No.343/2020 registered at Police Station Malpura Gate, District Jaipur City (East) for the offence under Section 376-D IPC and Section(s) 3(1)(w)(i) & 3(1)(w)(ii) of SC & ST (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and later on for the offence under Section 376-D IPC and under Section(s) 3(1)(w)(i)(ii) & 3(2)(V) of the Act of 1989.

Learned counsel for the appellant contended that he has falsely been implicated in this case wherein FIR has been lodged by a married major lady of 22 years of age with delay. Drawing attention of this Court towards the statement of the prosecutrix recorded under Section 164 Cr.P.C., learned counsel submitted that she has levelled the allegation of rape which is based solely upon the video of the incident allegedly captured by co-accused in his mobile phone; but, no such video has been found in the mobile phone nor, charge sheet has been filed under

the provision of Information and Technology Act, 2005. Learned counsel submitted that the material contained in the charge sheet reveals that it could have been a case of consensual sex. Learned counsel submitted that the appellant is in custody since 25.09.2020, charge sheet has been filed, trial is yet to begin, he has no criminal antecedents and prayed for his release on bail.

Learned Public Prosecutor assisted by the learned counsel for the complainant opposing the prayer submitted that there is specific allegation against the appellant of committing rape upon the prosecutrix and hence, he does not deserve indulgence of bail.

Taking into consideration the submissions advanced by learned counsels for the respective parties, the nature of allegation against the appellant, his length of custody, filing of charge sheet, material contained therein especially the statement of the prosecutrix recorded under Section 164 Cr.P.C. and absence of criminal antecedents; but, without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the appellant on bail.

The order dated 27.05.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Cases), Jaipur

Metropolitan-I is quashed and set-aside and this appeal is accordingly allowed. It is directed that accused appellant Laddu Gopal Sharma @ Gopal S/o Kaushal Sharma shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so and shall comply with all the conditions laid down under Section 437(3) Cr.P.C.