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(2022) 11 RAJ CK 0023

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1650 Of 2022

Laduram Aka Danaram — APPELLANT

Vs

State Of Rajasthan And Others — RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 323, 341, 504
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 11 RAJ CK 0023

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Sachin Saraswat, Javed Gauri

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The instant appeal has been filed under Section 14-A (2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.192/2022, Police Station Chitawa, District Nagaur for the offences punishable under Sections 323, 341 & 504 of the IPC and Section 3(1)(r)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the order dated 29.09.2022 passed by the learned Special Judge Scheduled Cast/Scheduled Tribe (Prevention of Atrocities Act Cases), Merta whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Counsel for the appellant submits that the FIR in this case has been filed against the appellant for the offences which are triable by Magistrate. 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.

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Learned Public Prosecutor has 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 29.09.2022 passed by the learned Special Judge Scheduled Castes/Scheduled Tribes (Prevention of Atrocities Act Cases), Merta is set aside. It is ordered that the accused-appellant - Laduram Aka Danaram S/o Bhanwarlal, arrested in connection with F.I.R. No.192/2022, Police Station Chitawa, District Nagaur 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.

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