

(2023) 11 RAJ CK 0004
In the Rajasthan High Court
Case No : Criminal Appeal (SB) No. 1962 Of 2023

Laxman Lal

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 06-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R)(S), 3(2)(V), 3(2)(VA), 14A
Indian Penal Code, 1860 — Section 307, 323, 324, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 11 RAJ CK 0004

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Vishal Sharma, Gaurav Singh, Anupam Mishra, Badi Sadri

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard the learned counsel for the parties and perused the material available on record.

The instant appeal has been filed under Section 14A of SC/ST (POA) Act on behalf of the appellant, who is in custody in connection with FIR No.21/2022, Police Station Mangalwad, District Chittorgarh for the offences under Sections 341, 323, 324, 307 IPC and Sections 3(1) (R)(S), 3(2)(V), 3(2)(VA) of SC/ST (Prevention of Atrocity) Act against the order dated 23.08.2023 passed by learned Special Judge, Schedule Caste & Schedule Tribes (Prevention of Atrocities Cases), Chittorgarh whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Earlier on two occasions, this Court refused to grant benefit of bail to the appellant and rejected the appeals for bail vide order dated 04.04.2022 & 26.07.2022 respectively.

Counsel for the appellant submits that the appellant is inside the jail since 03.02.2022 and till date, total eleven witnesses have been examined before the trial court. Further, the injured was not operated by the Doctor and only on the basis of injury report of the injured, Doctor opined that the injuries are found to be grievous in nature and dangerous to life. 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.

Learned Public Prosecutor has vehemently opposed the prayer for bail.

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 23.08.2023 passed by learned Special Judge, Schedule Caste & Schedule Tribes (Prevention of Atrocities cases), Chittorgarh is set aside. It is ordered that the accused-appellant Laxman Lal S/o Ramnarayan arrested in connection with FIR No.21/2022, Police Station Mangalwad, District Chittorgarhg shall be released on bail; provided he 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.