
(2023) 11 RAJ CK 0091

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 2419, 2420, 2421 Of 2023

Maniram And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 23-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 148, 302, 307, 323, 447
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 11 RAJ CK 0091

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Vineet Jain, Rajiv Bishnoi, Priya Bishnoi, Navneet Poonia, Mukhtyar Khan, Ankur Limba

Final Decision : Allowed

Judgement

Farjand Ali, J

1. These three appeals have been filed under Section 14-A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.545/2018, Police Station Pilibanga, District Hanumangarh for the offences under Sections 148, 302, 302/149, 447, 323, 323/149, 307 and 307/149 of the IPC and Section 3(2) (v) of the SC/ST (Prevention of Atrocities) Act, being aggrieved by the orders dated 25.10.2023, whereby the applications under Section 439 of the Cr.P.C. have been rejected by the trial Court.

2. It is submitted by learned counsel for the appellants that the appellants have falsely been implicated in the present case and they have nothing to do with the alleged offence. The co-accused persons, namely, Mukesh, Vinod and Shamsheer Khan, have been enlarged on bail. Expeditious culmination of trial is not a seeming fate and no fruitful purpose would be served by keeping the appellants behind the bars. They, therefore, pray that benefit of bail may be granted to the

appellants.

3. Per contra, learned learned Public Prosecutor as well as the learned counsel for the complainant has opposed the bail application.

4. Heard learned counsel for the appellants, learned Public Prosecutor and learned counsel for the complainant and perused the material available on record.

5. The co-accused of this case, namely, Mukesh, Vinod and Shamsheer Khan, have been granted indulgence of bail and the case of the present appellants stands on better footing. Thus, on the ground of parity and in order to maintain judicial discipline and consistency and considering the totality of the facts and circumstances of the case and the facts that charge-sheet has already been filed and trial would take a long time to conclude, this Court is of the opinion that the appellants deserve to be enlarged on bail.

6. Consequently, the instant appeals are allowed. The impugned order dated 25.10.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Hanumangarh are set aside. It is ordered that the accused-appellants, named in the cause title, arrested in connection with aforesaid FIR, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs. 50,000/- and two sureties 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.