

(2022) 02 RAJ CK 0073
In the Rajasthan High Court
Case No : S.B. Criminal Appeal No. 94 Of 2022

Mohammad Sareen

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 18-02-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v)(va), 14A(2)
Indian Penal Code, 1860 — Section 120B, 307, 323, 324, 341, 394

Citation : (2022) 02 RAJ CK 0073

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Naresh Khatri, S.S. Rajpurohit

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

Notice upon the complainant has been served. As per report of the learned Public Prosecutor, nobody appears on behalf of the complainant.

This criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') has been filed on behalf of the appellant being aggrieved with the order dated 13.01.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Rajsamand (hereinafter to be referred as 'trial court') in Criminal Misc. (Bail) Case No.04/2022 whereby, the trial court has dismissed the bail application filed on behalf of the appellant.

The appellant has been arrested in FIR No.201/2021 of Police Station Kelwara, District Rajsamand for the offences punishable under Sections 307, 394, 341, 323, 324 and 120-B of IPC and under Sections 3(2)(v)(va) of SC/ST Act.

Learned counsel for the appellant submits that co-accused person Bhagwat Singh has already been enlarged on bail by Co-ordinate Bench of this Court in S.B.

Criminal Appeal No.1080/2021 on 07.12.2021. It is submitted that appellant has not been named in the FIR and statements of the injured. The injuries sustained by the injured Kishan Lal by sharp weapon is found simple in nature and the case under Section 307 IPC is not made out; allegation of robbery is also false. It is also submitted that challan has already been filed; the petitioner is behind the bar since 27.10.02021 and trial of the case is likely to take time

Learned Public Prosecutor has opposed the prayer made on behalf of the appellant in this criminal appeal.

Heard learned counsel for the appellant as well as learned Public Prosecutor and also perused the material on record.

From the perusal of the record, it reveals that the injuries sustained by injured Kishan Lal was found simple in nature; petitioner is behind the bar for last more than four months and charge-sheet has been filed.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it just and proper to allow the appeal filed by the appellant under Section 14-A(2) of SC/ST Act.

Accordingly, this criminal appeal filed under Section 14-A(2) of SC/ST Act is allowed and the order dated 13.01.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Rajsamand in Criminal Misc. (Bail) Case No.04/2022 is set aside. It is directed that appellant –Mohammad Sareen S/o Mohammad Farukh Qureshi shall be released on bail in connection with FIR No.201/2021 of Police Station Kelwara, District Rajsamand provided he executes a personal bond in the sum of Rs.50,000/-with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.