

(2024) 01 RAJ CK 0062

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 82 Of 2024

Mohan Singh

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 10-01-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 323, 326, 341

Citation : (2024) 01 RAJ CK 0062

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : J.K. Haniya, Vishal Gurjar, Arun Kumar

Final Decision : Allowed

Judgement

Dinesh Mehta, J

1. This appeal has been filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the appellant in connection with FIR No.254/2023, registered at Police Station Pur, District Bhilwara for the offences under sections 341, 323, 326 of the Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(s), 3(2)(v) & 3(2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is informed that the complaint has been served.

3. Learned counsel for the appellant argued that the injury inflicted by the petitioner is not life threatening and is not on the vital part of the body.

4. He further submitted that the charge-sheet has been filed in the matter and neither any recovery, nor any investigation is to be made, and therefore, the applicant who is behind bars since 12.12.2023 be enlarged on bail.

5. Learned Public Prosecutor vehemently opposed the appellant's prayer by

submitting that the appellant has used sword a deadly weapon to inflict injury.

6. Heard learned counsel for the parties and perused the material available on record including the statement of injured that the appellant has stabbed his hand with sword, which is indicative of the fact that there was no intention to cause life threatening injury.

7. Having regard to the facts and circumstances of the case and considering the arguments advanced at the bar, this Court deems it just and proper to allow the present appeal of the appellant.

8. Consequently, the appeal is allowed. The impugned order dated 03.01.2024 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Bhilwara is set aside. It is ordered that the accused – appellant - Mohan Singh S/o Prem Singh, arrested in connection with FIR No.254/2023, registered at Police Station Pur, District Bhilwara shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

9. Appellant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

10. Needless to mention that the above observations made by this Court are on the basis of material so far produced before the Court. These are only prima-facie observations and the same shall however, not come in the way of the trial Court to take independent view of the matter, based on ocular and oral evidence, while finally deciding the case.