
(2022) 06 RAJ CK 0050

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 823 Of 2022

Mohd. Imteyaz

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 13-06-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 34, 302
Arms Act, 1959 — Section 4, 25
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 06 RAJ CK 0050

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Kalu Ram Bhati, Gaurav Singh

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The instant appeal has been filed under Section 14A (2) of SC/ST (Prevention of Atrocities) Act on behalf of the appellant seeking interim bail for a period of thirty days, who is in custody in connection with F.I.R. No. 129/2020, registered at Police Station Cotegate, District Bikaner, for the offences under Section 302/34 I.P.C. & Sections 3(2)(v) of SC/ST Act and Section 4/25 of the Arms Act against the order dated 03.06.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities Cases), Bikaner, the bail application preferred under Section 439 Cr.P.C..

Learned counsel for the appellant submits that the Learned court below on an application filed by the appellant has ordered that appellant may be permitted to attend marriage of his two sisters namely Najmen Bano and Sahin Bano which is going to be solemnized on 15.06.2022. However, the learned Court below vide order dated 03.06.2022 has ordered that appellant shall attend the marriage

under Police protection only on 15.06.2022. Further, the appellant shall also bear the expenses for the police protection provided to him for attending the marriage of his sisters scheduled on 15.06.2022.

Learned Public Prosecutor has submitted a factual report wherein the fact regarding marriage of the sisters of the appellant on the date aforesaid is not disputed.

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, so also the submissions made on behalf of the appellant that he is the only brother of his sisters namely Najmen Bano and Sahin Bano, this Court deems it just and proper to order that appellant shall be released on interim bail for a period of four days' i.e. from 15.06.2022 to 18.06.2022 for solemnization of his sisters' marriage which is going to be solemnized on 15.06.2022.

The appellant shall attend marriage under police protection for which he would bear the expenses.

Consequently, the instant appeal for interim bail is allowed accordingly.

The concerned Superintendent of Jail, shall give the date of surrender to the petitioner as per the date on which he is released from custody. If the petitioner does not surrender himself on the given date, the concerned Superintendent of Jail shall immediately inform the concerned trial court for taking appropriate action.