
(2021) 12 RAJ CK 0021

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 985 Of 2021

Mukesh Jain S/O Kistur

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 03-12-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1) (S), 3(2)(V), 14A(2)
Indian Penal Code, 1860 — Section 376, 406, 498A
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 12 RAJ CK 0021

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : J.V.S.Deora, Mahipal Bishnoi, Girish Sankhla

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellant as well as learned counsel for the complainant and learned Public Prosecutor. Perused the material available on record.

The instant appeal has been filed under Section 14A (2) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.120/2021, P.S. Mahila Thana, Udaipur for the offences under Sections 376, 498-A, 406 IPC and Section 3(1) (S), 3(2)(V) of SC/ST (Prevention of Atrocities) Act, against the order dated 11.10.2021 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Udaipur in Criminal Misc. Bail Case No.201/2021 (CIS No.201/2021) whereby, the bail application preferred on behalf of the appellant under Section 439 Cr.P.C. was rejected.

Learned counsel for the appellant submits that according to the statement of the

prosecutrix, she arranged the marriage with the appellant. If anything happened, it was with the consent of the prosecutrix. The learned court below has grossly erred in law and facts as well as in declining to release the appellant on bail.

Learned Public Prosecutor and learned counsel for the complainant have opposed the prayer for bail.

Having regard to the entirety of facts and circumstances of the case 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 11.10.2021 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Udaipur is set aside. It is ordered that the accused appellant Mukesh Jain S/o Kistur shall be released on bail in FIR No.120/2021, P.S. Mahila Thana, Udaipur 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.