

(2017) 10 RAJ CK 0023
In the Rajasthan High Court
Case No : 1386 of 2017

Mukesh S/o Debi Lal Jat

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 05-10-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#), [Section 164](#) - Special powers of High Court or Court of Session regarding bail - Recording of confessions and statements
[India](#)

Citation : (2017) 10 RAJ CK 0023

Hon'ble Judges : P.K. Lohra

Bench : SINGLE BENCH

Advocate : RS Chundawat, A.S. Rathore

Judgement

1. Accused-appellant has laid this appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989") to assail impugned order dated 19.08.2017 passed by Special Judge, SC/ST, Prevention of Atrocities Cases, Bhilwara (for short, "learned trial Court") rejecting his bail application under Section 439 Cr.P.C. arising out of FIR No.02/2017 of Police Station Shahpura, District Bhilwara. In the FIR, appellant is castigated for offences under Section 376 IPC and Section 3(1)(w)(i)(ii) of the Act of 1989. Police after investigation has submitted charge-sheet in the matter.

2. I have heard learned counsel for the appellant, learned

Public Prosecutor and perused the impugned order and scanned the materials available on record.

3. Upon perusal of the materials available on record and the statement of prosecutrix recorded under Section 164 Cr.P.C., in my opinion, impugned order cannot be sustained.

4. While it is true that, at the stage of consideration of bail application, Court is not required to scrutinize the evidence so as to record its satisfaction as to whether prosecution would be able to bring home guilt against accused beyond all reasonable doubts but then Court is not expected to lose sight of discrepancies in the evidence collected during investigation. A close scrutiny of the statement of prosecutrix recorded under Section 164 Cr.P.C. has created a shadow of doubt about veracity of her version projected therein.

5. In view of foregoing discussion, the instant appeal is allowed, the impugned order is set at naught, and consequently, it is ordered that accused-appellant, Mukesh S/o Debi Lal Jat, arrested in connection with F.I.R. No.02/2017 Police Station Shahpura, District Bhilwara, may be released on bail; provided he furnishes a personal bond of Rs.50,000/- with two surety bonds of Rs.25,000/- each to the satisfaction of 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.