
(2022) 11 RAJ CK 0022

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1602 Of 2022, S.B. Criminal Appeal (SB) No. 1603 Of 2022

Nahar Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 14A
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324, 326, 341, 365
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 11 RAJ CK 0022

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Deepak Menaria, Mohd. Rasheed, Mahipal Bishnoi,

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The instant appeals have been filed under Section 14A SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with F.I.R. No.506/2022, Police Station Sukher, District Udaipur for the offences punishable under Sections 147, 148, 149, 365, 341, 323, 324, 326 & 307 of the IPC and Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act against the order dated 30.09.2022 passed by the learned Special Judge Scheduled Cast/Scheduled Tribe (Prevention of Atrocities Act Cases), Udaipur whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants were rejected.

Learned Public Prosecutor submits that notice of respondent No.2 has already been served through concerned SHO.

Learned counsel for the appellants submits that there are cross-cases between

the parties. The appellants are in judicial custody and the trial of the case will take sufficiently long time to be concluded. The learned court below has grossly erred in law and facts as well in declining to release the appellant on bail. Therefore, the benefit of bail may be granted to the accused-appellants.

Learned Public Prosecutor has opposed the prayer for bail. Heard learned counsel for the appellants 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, this Court is of the opinion that the order rejecting the applications for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeals are allowed. The impugned order dated 30.09.2022 passed by the learned Special Judge Scheduled Castes/Scheduled Tribes (Prevention of Atrocities Act Cases), Udaipur, is set aside. It is ordered that the accused-appellants – (1) Nahar Singh S/o Bheem Singh (2) Nirbhay Singh S/o Chandan Singh, (Appeal No.1602/2022), (3) Vijay S/o Dinesh and (4) Kalu Singh S/o Chun Singh, (Appeal No.1603/2022), all arrested in connection with F.I.R. No.506/2022, Police Station Sukher, District Udaipur shall be released on bail; provided each of them furnishes a personal bond of Rs. 50,000/- and two surety bonds of Rs. 25,000/- 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.