

(2021) 06 RAJ CK 0010
In the Rajasthan High Court
Case No : Criminal Appeal No. 907 Of 2021

Nawal Kishore Alias Appa

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 11-06-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14(A)(2)

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 308, 323, 324, 325, 341, 379

Citation : (2021) 06 RAJ CK 0010

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : Rajneesh Gupta, S.S. Ola

Final Decision : Allowed

Judgement

Inderjeet Singh, J

1. The present criminal appeal under Section 14 (A) (2) of the SC/ST (Prevention of Atrocities) Act has been filed in connection with FIR

No.0067/2019 registered at Police Station Batoda, District Sawaimadhopur for the offence under Sections 143, 341, 323, 379 of IPC and Sections 3(2)

(va) of SC/ST (POA) Act (In FIR) and under Sections 147, 148, 149, 323, 341, 324, 325, 308 of IPC and Sections 3-2(va) of SC/ST (POA) Act (In

Order).

2. Counsel for the appellant submits that the appellant has been falsely implicated in this matter. Counsel further submits that none of the injuries

sustained by the injured is dangerous to life. Counsel further submits that co-accused Rajesh has already been released on bail by the Co-ordinate

Bench of this Court vide order dated 29.07.2020 passed in S.B. Criminal Appeal

No.945/2020. Counsel further submits that the appellant is behind the bars for last about 2 months and challan has already been presented in the Court and conclusion of trial may take long time.

3. Learned Public Prosecutor has opposed the appeal and submitted that the complainant has been duly informed about filing of the present appeal, however, none appeared on behalf of the complainant.

4. Considering the material on record and taking into account the facts and circumstances of the present case and also considering the period of custody and the fact that the co-accused persons have already been released on bail and without expressing any opinion on the merits of the case, it would be just and expedient to order the release of the appellant on bail.

5. The order dated 24.05.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Sawaimadhopur is quashed and set-aside and this appeal is accordingly allowed. Appellant be admitted to regular bail subject to satisfaction of the trial Court. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax, for necessary compliance.