

(2023) 08 RAJ CK 0006
In the Rajasthan High Court
Case No : Criminal Appeal No. 1275 Of 2023

Noor Hasan And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-08-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(2)(Va), 14A(2)
Indian Penal Code, 1860 — Section 34, 308, 323, 324, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 08 RAJ CK 0006

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Jitendra Ojha, Laxman Solanki, Kamla Goswami, Nishant Motsara

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No.167/2023, Police Station Tibbi, District Hanumangarh, for the offence under Sections 341, 323, 324, 308, 34 IPC and Sections 3(1)(S), 3(2)(Va) of SC/ST Act against the order dated 26.06.2023 passed by learned Special Judge, SC/ST Cases, Hanumangarh whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants submits that all the injuries inflicted to the injured are found to be simple in nature. The accused-appellants are in judicial custody and the trial of the case will take sufficient long time to be concluded. Counsel further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellants on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellants.

Learned Public Prosecutor and learned counsel for respondent No.2 have vehemently opposed the prayer for bail.

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 application for bail filed on behalf of the appellants, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 26.06.2023 passed by the learned Special Judge, SC/ST Cases, Hanumangarh is set aside. It is ordered that the accused-appellants (1) Noor Hasan S/o Vazir Ali, (2) Makbool Ali S/o Sultan Ali & (3) Zakir Hussain S/o Shahban Ali @ Bhutto, arrested in connection with FIR No.167/2023, Police Station Tibbi, District Hanumangarh, shall be released on bail; provided each of them 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.