
(2021) 06 RAJ CK 0004
In the Rajasthan High Court
Case No : Criminal Appeal No. 867 Of 2021

Om Prakash Sain

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 10-06-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(w)(i)(ii), 14(A)(2)
Indian Penal Code, 1860 — Section 376(2)(d)

Citation : (2021) 06 RAJ CK 0004

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : Hridayesh Singh, S.S. Ola

Final Decision : Allowed

Judgement

Inderjeet Singh, J

1. Defect(s) pointed out by the registry are waived.
2. 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.171/2021 registered at Police Station Malpura Gate, District Jaipur for the offence under Sections 376(2)(d) of I.P.C. and Section 3(1)(w)(i)(ii) of SC/ST (POA) Act.

2. Counsel for the appellant submits that the appellant has been falsely implicated in this matter. Counsel further submits that the petitioner is a lab technician and allegation against the petitioner is that while doing the X-ray, he tried to outrage the modesty of the victim who is 32 years old married lady and the petitioner is behind the bars since 04.04.2021.
3. Learned Public Prosecutor has opposed the appeal and submitted that he has

duly informed the complainant 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 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 22.04.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur Metropolitan-I 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.