
(2022) 09 RAJ CK 0005

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1301 Of 2022

Pankaj Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-09-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A
Indian Penal Code, 1860 — Section 147, 148, 149, 323, 325
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 09 RAJ CK 0005

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : ?Vikram Singh, Mukhtiyar Khan, Devendra Singh

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

An application (Inward No.01/2022) has been for taking amended cause title on record.

For the reasons mentioned in the application, the same is allowed. The amended cause title is ordered to be taken on record.

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. 71/2018, Police Station Aaspur, Dungarpur, for the offence under Sections 147, 148, 149, 323, 325 of IPC and Section 3(2)(v) of SC/ST Act against the order dated 18.8.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act Cases, Dungarpur whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants submits that the accused-appellants are in judicial

custody since 13.08.2022 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 as also 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 18.08.2022 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act Cases, Dungarpur is set aside. It is ordered that the accused-appellants (1) Pankaj S/o Shri Ramesh Chandra Mehta; (2) Hitesh S/o Shri Narayanlal Mehta; and (3) Kalyan Singh S/o Shri Ishwar Singh Rathod, arrested in connection with FIR No. 71/2018, Police Station Aaspur, Dungarpur, shall be released on bail; provided they furnish personal bond of Rs. 1,00,000/-each 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.