

(2021) 07 RAJ CK 0007

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1079, 1080 Of 2021

Pappu Son And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 26-07-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3 (1)(I), 3(2)(VA), 14A(1)
Indian Penal Code, 1860 — Section 143, 188, 332, 353, 427, 440
Rajasthan Epidemic Diseases Act, 2020 — Section 4, 5
Prevention Of Damage To Public Property Act, 1984 — Section 3
Disaster Management Act, 2005 — Section 51
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 07 RAJ CK 0007

Hon'ble Judges : Devendra Kachhawaha, J

Bench : Single Bench

Advocate : S. Gaharana, Gopal Sharma, Praveen Kumar Jain, Mangal Singh Saini, Rohit Khandelwal

Final Decision : Allowed

Judgement

Devendra Kachhawaha, J

The instant appeals have been filed under Section 14 A(1) of SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in

connection with FIR No. 87/2021, Police Station Saawar, District Ajmer, for the offences under Sections 188, 143, 332, 353 and 427 of the I.P.C. and

under Section 3 (1) (I) and 3(2)(VA) of the SC/ST (Prevention of Atrocities) Act (rejection order dated 13.07.2021 has been passed for the offences

punishable under Sections 188, 143, 332, 353, 427, 440, 336, 269 and 270 of the I.P.C. and under Sections 3(1), 3(2) (VA) of the SC/ST Act and under

Section 4/5 of the Rajasthan Epidemic Disease Act and under Section 3 of the

Prevention of Damage to Public Property Act and under Section 51 of the Disaster Management Act) against the order dated 13.07.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Ajmer, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Heard learned counsel for the appellants and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the appellants stated that benefit of bail has already been granted by the co-ordinate Bench of this Court to co-accused persons,

namely, Mahaveer, Bhanwarlal, Dhanna Bagariya, Lala @ Ramniwas Bagariya, Mohan Bagariya and Devi Bagariya; allegations against the accused-

appellants are similar to those of co-accused and trial will take time. With these submissions, learned counsel for the appellants prayed that benefit of

bail may be granted to the accused-appellants.

Per contra, learned Public Prosecutor as well as learned counsel for the complainant have seriously opposed the appeals of the accused-appellants.

Having regard to the totality of facts and circumstances of the case, particularly to the fact that benefit of bail has already been granted to the co-

accused persons, namely, Mahaveer, Mahaveer, Bhanwarlal Bagariya, Dhanna Bagariya, Lala @ Ramniwas Bagariya, Mohan Bagariya and Devi

Bagariya (Bail Application No.911/2021) vide order dated 10.06.2021, therefore, without expressing any opinion on the merits/demerits of the case,

this Court is of the opinion that the appellants deserves to be enlarged on bail.

Consequently, the instant appeals are allowed. The impugned order dated 13.07.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities)

Cases, Ajmer is set aside. It is ordered that the accused-appellants No. (1). Pappu Son Of Shri Kajod Bagriya, (2). Ramjas Son Of Shri Pappu

Bagriya, (3). Kalu Son Of Shri Ugma Bagriya, and (4). Radhakishan S/o Shri Badri, arrested in connection with FIR No. 87/2021, Police Station

Saawar, District Ajmer, shall be released on bail (if not wanted in any other case); provided each of them furnish a personal bond of Rs. 50,000/-

(Rupees: Fifty Thousand Only) and two sureties of Rs. 25,000/-(Rupees: Twenty Five Thousand Only) 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.