

(2024) 05 RAJ CK 0094

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1697 Of 2024

Pemaram

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 09-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 302, 307, 323, 324, 325, 326, 354, 436

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S)(10), 3(2)(S)

Citation : (2024) 05 RAJ CK 0094

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : J.S. Choudhary, Pradeep Choudhary, Mukesh Rajpurohit

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The appellant has been arrested in connection with FIR No.168/2015 registered at Police Station Merta, Dist. Nagaur for the offence punishable under Sections 302, 307, 323, 324, 325, 326, 354, 436, 147, 148 and 149 of IPC and under Section 3(1) (S), (10)3(2)(S) of SC/ST Act.

Learned counsel for the appellant argued that the appellant is behind the bars for last nine years and although the prosecution witnesses have been examined but the trial is still at the stage of examination of defence witnesses. It is submitted that similarly situated co-accused have already been enlarged on bail and recently one of the co-accused has been granted interim bail by the Hon'ble Apex Court for a period of six months during pendency of trial, in the case of Sugna Ram Vs. Union of India &Ors arising out of SLP (CrI.) No. 9540/2023) dated 26.02.2024. Since the trial court is likely to take some more time, therefore, it is prayed that the benefit of bail should be granted to the accused appellant.

Learned Special Public Prosecutor and counsel for the respondent no.2 vehemently opposed the prayer of the appellant and submits that there is no change in circumstance so as to grant benefit of bail to the appellant.

Heard learned counsel for the parties and carefully gone through the material on record.

It is not disputed that till date, the appellant has suffered incarceration of seven years since his arrest in the case. Learned Public Prosecutor has informed that the prosecution witnesses have been examined and now the trial is at the stage of examination of defence witnesses. Taking into consideration the entire facts and circumstances so also the fact that some of the co-accused and recently one of the co-accused Sugna Ram has been granted benefit of bail pending trial, this Court is of the opinion that the appellant is entitled to benefit of interim bail for a period of four months, during pendency of the trial.

Consequently, the instant appeal is allowed. The impugned order dated 03.09.2022 passed by the Special Judge, SC/ST(Prevention of Atrocities) Cases, Merta is set aside. It is ordered that the accused-appellant Pemaram S/o Sugnara arrested in connection with FIR No. No.168/2015 registered at Police Station Merta, Dist. Nagaur shall be released on bail for a period of four months from the date of his release; provided he 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. The trial court is directed to conduct day to day trial and conclude the trial expeditiously, within a period of four months. It will be open to the trial court to extent the interim bail or grant regular bail to the appellant, during pendency of trial, on an application being filed by the appellant.