

(2023) 04 RAJ CK 0046

In the Rajasthan High Court

Case No : Criminal Appeal No. 360, 361 Of 2023

Prahlad And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 13-04-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 3(2)(v)(va), 14A(2)
Indian Penal Code, 1860 — Section 143, 323, 341, 365, 458
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 04 RAJ CK 0046

Hon'ble Judges : Madan Gopal Vyas, J

Bench : Single Bench

Advocate : J.V.S. Deora, Daulat Ram, Rj Punia, Laxman Solanki, O.P. Meghvashi

Final Decision : Allowed

Judgement

Madan Gopal Vyas, J

The instant appeals have been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No.23/2023, Police Station Jaswantpura, District Jalore, for the offences under Sections 341, 323, 143, 458, 365 of IPC and Sections 3(1)(r)(s), 3(2)(v)(va) of the SC/ST Act against the order dated 28.03.2023 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Cases, Jalore whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants were rejected.

Learned counsel for the appellants submits that accused-appellants have falsely been implicated in the matter. It is also submitted that complainant has not sustained any external or internal injury over the body. The accused-appellants are in judicial custody since long and the trial of the case will take sufficient long time. Lastly, learned counsel submits that the learned Special Judge 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 may be granted to the accused-appellants.

Learned Public Prosecutor and learned counsel for the complainant 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 28.03.2023 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Jalore is set aside. It is ordered that the accused-appellants (1) Prahlad S/o Roopa Ji, (2) Kanti Lal S/o Prahlad, (3) Amrit Lal S/o Prahlad Ram, (4) Bhagirath Ram S/o Sh. Soma Ji, (5) Vardha Ram S/o Harji Ram and (6) Poonma Ram S/o Karmi Ram, arrested in connection with FIR No.23/2023, Police Station Jaswantpura, District Jalore, 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.