

(2023) 10 RAJ CK 0085

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 850 Of 2023

Praveen Nanda @ Prince

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 17-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14A
Indian Penal Code, 1860 — Section 120B, 147, 148, 149, 323, 323
Arms Act, 1959 — Section 3, 5, 25
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 10 RAJ CK 0085

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Deepak Menaria, Gaurav Singh, Nikhil Jain

Final Decision : Dismissed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A of SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.299/2018 registered at Police Station Ambamata, District Udaipur for the offences under Sections 147, 148, 149, 323, 302 & 120-B of the IPC and Sections 3/25 & 5/25 of Arms Act and Section 3(2)(va) of S.C./S.T. Act against the order dated 19.05.2023 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Udaipur, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Counsel for the appellant submits that the appellant has been arrested on 21.07.2018 and thereafter, statement of so called eye witness Rahul has been recorded before the trial Court as PW.5. Counsel submits that there is no evidence for committing the alleged crime against the present petitioner and he is not named in the FIR also. He further submits that three other accused

persons were also going on a motorcycle who allegedly did recce and out of them, co-accused Durgesh and Ashish have already been enlarged on bail. The trial of the case will take sufficiently long time to be concluded. Therefore, the benefit of bail may be granted to the accused-appellant.

Learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the prayer for bail.

Heard learned counsel for the parties and perused the material available on record.

According to the statement of eye witness-Rahul (PW.5), a specific allegation has been levelled against the present petitioner that he was driving the motorcycle and co-accused Krishna and Arbaaz were also sitting on the motorcycle with him. The co-accused persons, viz., Krishna & Arbaaz opened fire towards the deceased due to which he received injuries and died.

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 learned court below has not committed any error in rejecting the bail application of the appellant and this Court also has not found any good ground to give indulgence of bail to the present appellant.

Hence, the criminal appeal filed by the appellant for bail is hereby dismissed. However, the trial Court is directed to expedite the trial.