

(2024) 04 RAJ CK 0017
In the Rajasthan High Court
Case No : Criminal Appeal (SB) No. 338 Of 2024

Prem Chand

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 03-04-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(f)(r)(s), 3(2)(va), 14A
Indian Penal Code, 1860 — Section 420
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 04 RAJ CK 0017

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Nikhil Bhandari, Gaurav Singh

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The instant appeal has been filed under Section 14A SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.25/2022, registered at Police Station Mathania, Dist. Jodhpur City East, for the offences under Sections 420 of IPC and Section 3(1)(f)(r)(s), 3(2)(va) of the SC and ST (Prevention of Atrocities) Act against the order dated 26.02.2024 passed by the learned Special Judge Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act Cases, Jodhpur Metropolitan, Jodhpur, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

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

Leaned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. Learned counsel submitted that the complainant

Tulchhi and Papudi have executed a sale deed in favor of Smt. Gomti on 25.02.2021, wherein the petitioner Prem Chand has signed as a witness only on behalf of the complainant.

Learned counsel further submitted that there is nothing on record to indicate that the appellant has played any active role in commission of the alleged crime; the appellant is in custody; trial of the case will take sufficiently long time to be concluded, therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has 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 Bar, this Court is of the prima facie opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 26.02.2024 passed by the learned Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Jodhpur Metropolitan, Jodhpur is set aside. It is ordered that the accused-appellant Prem Chand S/o Babu Lal Mali arrested in connection with F.I.R. No.25/2022 registered at Police Station Mathania, Dist. Jodhpur City East shall be released on bail; provided he furnishes a personal bond of Rs. 50,000/- and two surety bonds of Rs. 25,000/- 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.