

(2023) 10 RAJ CK 0036

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 2130 Of 2023

Purushottam Lal

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

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

Citation : (2023) 10 RAJ CK 0036

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : RJ Punia, Javed Gauri

Final Decision : Allowed

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.369/2023, Police Station Sanchoe, District Jalore for the offence under Sections 458, 323 of IPC, and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (POA) Act against the order dated 19.09.2023 passed by the learned Special Judge, SC/ST (POA) Act Cases, Jalore whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Learned counsel for the appellant submits that the accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. He further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellant on bail. Therefore, it is prayed that 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 the bar, this Court is of the 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 19.09.2023 passed by the learned Special Judge, SC/ST (POA) Act Cases, Jalore is set aside. It is ordered that the accused-appellant Purushottam Lal S/o Amba Ram, arrested in connection with F.I.R. No.369/2023, Police Station Sanchore, District Jalore, shall be released on bail; 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.