

(2022) 11 RAJ CK 0012

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1472 Of 2022

Raghunath And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 03-11-2022

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, 341
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2022) 11 RAJ CK 0012

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Rohitash Singh Rathore, Anita Gehlot

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 appellants, who are in custody in connection with FIR No. 24/2022, Police Station Mandalgarh, District Bhilwara, for the offences under Sections 323, 341 of IPC, Sections 3(1)(R)(S) and 3(2)(VA) of SC/ST Act against the order dated 5.8.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act Cases, Bhilwara whereby, the bail application preferred under Section 438 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants submits that the FIR in this case has been lodged after a considerable delay and this delay has not at all been explained by the complainant. Counsel further submits that the injured also refused to undergo medical examination. Hence, a false case has been made against the appellants and appellants are ready to cooperate in the investigation whenever called upon to do so. Therefore, no useful purpose shall be served in sending the appellants

behind the bars. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellants.

Learned Public Prosecutor has 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 5.8.2022 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act Cases, Bhilwara is set aside. It is directed that in the event of arrest of appellants (1) Raghunath S/o Shri Arjun; and (2) Smt. Maya W/o Shri Raghunath in connection with FIR No. 24/2022, Police Station Mandalgarh, District Bhilwara, the appellants shall be released on bail; provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- along with two sureties of Rs.50,000/- each to the satisfaction of the concerned Investigating Officer/S.H.O. on the following conditions :-

- (i). that the appellants shall make themselves available for interrogation by a police officer as and when required;
- (ii). that the appellants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer; and
- (iii). that the appellants shall not leave India without previous permission of the court.