

(2021) 05 RAJ CK 0017
In the Rajasthan High Court
Case No : Criminal Appeal No. 416 Of 2021

Rahul Giri @ Raugar

APPELLANT

Vs

State Of Rajasthan And Anr

RESPONDENT

Date of Decision : 04-05-2021

Acts Referred:

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(1)(r)(s), 14A
Indian Penal Code, 1860 — Section 323, 341, 435
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 05 RAJ CK 0017

Hon'ble Judges : Devendra Kachhawaha, J

Bench : Single Bench

Advocate : Vijay Raj Bishnoi, Mukhtiyar Khan

Final Decision : Allowed

Judgement

The instant appeal has been filed under Section 14-A of the Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act on behalf of the

appellant, who is in judicial custody in connection with F.I.R. No. 51/2021, Police Station Dhorimanna, District Barmer, registered for the offences

punishable under Sections 323, 341 & 435 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act against the

order dated 08.04.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Barmer whereby, the bail application under

Section 439 Cr.P.C. moved on behalf of the appellant was rejected.

Heard learned counsel for the appellant appearing through video conferencing as well as the learned Public Prosecutor, present-in-person. Perused

the material available on record.

Learned counsel for the appellant appearing through video conferencing stated that except the offence punishable under the provisions of SC/ST Act,

the remaining offences registered under the provisions of Indian Penal Code are triable by the Magistrate; that the trial will take time, therefore,

benefit of bail may be granted to the accused-appellant.

While placing the copy of the notice for the Court's perusal, learned Public Prosecutor stated that the service of the notice has been effected upon the

respondent No.2 (complainant) but despite of that, today, nobody is present on behalf of the respondent No.2 (complainant).

Per contra, learned Public Prosecutor opposed the bail prayer of the accused-appellant.

Having given a thoughtful consideration to the submissions advanced on behalf of the parties and having scanned through the material available on

record and further having regard to the facts and circumstances of the case, particularly to the fact that except the offence punishable under the

provisions of SC/ST Act, the remaining offences registered against the accused-appellant under provisions of Indian Penal Code are triable by the

First Class Magistrate; and trial will take sufficiently long time, therefore, without expressing any opinion on the merits of the case, at this stage, this

Court is of the opinion that the present appeal deserves to be allowed and the appellant deserves to be enlarged on bail.

Consequently, the appeal is allowed. The impugned order dated 08.04.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases,

Barmer is set aside; and it is ordered that the accused-appellant Rahul Giri @ Raugar S/o Shanker Giri, arrested in connection with F.I.R. No.

51/2021, Police Station Dhorimanna, District Barmer, shall be released on bail provided he furnishes a personal bond of Rs.50,000/- and two sureties

of Rs.25,000/- each to the satisfaction of the learned Trial Court with the stipulation to appear before that Court on each and every date of hearing

and whenever called upon to do so till the completion of the trial.