

(2021) 09 RAJ CK 0068

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1358, 1359 Of 2021

Rahul Sharma And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 27-09-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 14(2)(A)
Indian Penal Code, 1860 — Section 143, 323, 325, 336, 341, 379, 504, 506
Code Of Criminal Procedure, 1973 — Section 437(3)

Citation : (2021) 09 RAJ CK 0068

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mahendar Kumar Goyal, J

The present criminal appeals under Section 14(2)(A) of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act has been filed in connection with FIR No.0231/2021 registered at Police Station Maniya, District Dholpur for the offence under Section(s) 143, 323, 341, 504, 336 & 379 IPC and Section(s) 3(1) (r) & 3(1)(s) of SC & ST (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and later on for the offence under Section(s) 143, 323, 341, 504 & 325 IPC and under Section(s) 3(1)(R)(S) & 3(2)(VA) of the Act of 1989.

Learned counsels for the appellants contended that they have falsely been implicated in this case. They submitted that even otherwise also, offence does not travel beyond the scope of Section 325 IPC in view of nature of injury received and the nature of weapon allegedly used by them. They submitted that the appellants in S.B. CRLA No.1358/2021 and the appellants in S.B. CRLA No.1359/2021 are in custody since 26.08.2021 and 17.08.2021 respectively, charge sheet has been filed, trial of the case will take time, they have no criminal antecedents and prayed for their release on bail.

Learned Public Prosecutor assisted by the learned counsel for the complainant has opposed the appeals.

Taking into consideration the submissions advanced by learned counsels for the appellants, the nature of allegation against them, their length of custody, filing of charge sheet, material contained therein especially the injury reports and absence of criminal antecedents; but, without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the appellants on bail.

The orders dated 27.08.2021 & 26.08.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Cases), Dholpur (Rajasthan) are quashed and set-aside and these appeals are accordingly allowed. It is directed that accused appellants 1. Rahul Sharma S/o Shri Hari Shankar, 2. Kapis Tiwari S/o Shri Shivji Shastri, 3. Bharat Singh S/o Shri Kailash Chandra & 4. Sourabh S/o Shri Pappu shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that they shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so and shall comply with all the conditions laid down under Section 437(3) Cr.P.C.