

(2024) 01 RAJ CK 0134

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 90 Of 2024

Rajendra @ Raj Choudhary

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 29-01-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 3(2)(VA), 14A(2)
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 325, 452
Arms Act, 1959 — Section 3, 25, 27
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 01 RAJ CK 0134

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Kuldeep Sharma, Mukesh Trivedi

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellant, who is in custody in connection with FIR No.556/2023, Police Station Hanumangarh Junction, District Hanumangarh, for the offence under Sections 452, 307, 323, 325, 147, 148, 149 IPC and Sections 3(2) (V), 3(2)(VA) of SC/ST Act and Sections 3/25 & 27 of Arms Act against the order dated 04.01.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Hanumangarh whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Counsel for the appellant submits that similarly situated co-accused namely Happy Dahiya @ Harvinder Singh & Rahul Punia have already been enlarged on bail by this Court and the case of the present appellant is similar to those of the co-accused. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. Counsel 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 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 appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 04.01.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Hanumangarh is set aside. It is ordered that the accused-appellant Rajendra @ Raj Choudhary S/o Mahavir Prasad, arrested in connection with FIR No.556/2023, Police Station Hanumangarh Junction, District Hanumangarh, 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.