

(2022) 09 RAJ CK 0002

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1187 Of 2022

Raju And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-09-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14A
Indian Penal Code, 1860 — Section 34, 323, 341, 452
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 09 RAJ CK 0002

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Hitendra Rathore, Shambhoo Singh Rathore, S.K. Mehar

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. 203/2022, Police Station Sadar, Banswara, for the offence under Sections 341, 323, 452/34 of IPC and Section 3(2)(va) of SC/ST Act against the order dated 22.7.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act Cases, Banswara whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected. Counsel for the appellants submits that the accused-appellants are 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 appellants on bail. 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 22.7.2022 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act Cases, Banswara is set aside. It is ordered that the accused-appellants (1) Raju S/o Shri Ratan Ji; and (2) Dharmendra S/o Shri Govind, arrested in connection with FIR No. 203/2022, Police Station Sadar, Banswara, shall be released on bail; provided they furnish personal bond of Rs. 1,00,000/-each 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.