

(2024) 02 RAJ CK 0178

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 118 Of 2024

Rameshwarlal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-02-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 3(2) (VA), 14A
Indian Penal Code, 1860 — Section 34, 143, 307, 323, 325, 341, 443, 447
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 02 RAJ CK 0178

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Vikram Singh, SK Mehar

Final Decision : Allowed

Judgement

Farjand Ali, J

1. The instant appeal has been filed under Section 14-A SC/ST Act on behalf of the appellants, who are in custody in connection with FIR No.252/2023, Police Station Panchu, District Bikaner for the offences under Sections 447, 341, 323, 325, 307 & 34 of the IPC and Sections 3(2)(V) & 3(2) (VA) of the SC/ST (Prevention of Atrocities) Act, being aggrieved by the order dated 12.01.2024 passed by the learned Special Judge, SC/ST Act Cases (Prevention of Atrocities) cases and Additional District and sessions Judge, Bikaner in Criminal Misc. Case No.88/2024, whereby the application under Section 439 of the Cr.P.C. has been rejected by the trial Court.
2. As per the office report the service upon respondent is complete. However, no one is present on her behalf.
3. It is submitted by learned counsel for the appellants that the appellants have falsely been implicated in the present case and she has nothing to do with the

alleged offences. Expeditious culmination of trial is not a seeming fate and no fruitful purpose would be served by keeping the appellants behind the bars. He, therefore, prays that benefit of bail may be granted to the appellants.

4. Per contra, learned learned Public Prosecutor has opposed the submissions made by the learned counsel for the appellants.

5. Heard learned counsel for the appellants, learned Public Prosecutor and perused the material available on record.

6. Upon consideration of the submission that initially the case was lodged under Section 341, 323, 143 & 443 of IPC under the penal provision of SC/ST Act; there seems no compelling circumstances in absence of any intent to kill the victim; to allow further incarceration of the appellants. Thus, it would not be justifiable to keep the appellants behind the bars looking to the fact that early culmination of the trial is not a seeming fate. In this background and considering the totality of the facts and circumstances of the case, this Court is of the opinion that the appellants deserve to be enlarged on bail.

7. Consequently, the instant appeal is allowed. The impugned order is set aside. It is ordered that the accused-appellants, named in the cause title, arrested in connection with aforesaid FIR, shall be released on bail, if not wanted in any other case, provided each of them 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 all dates of hearing and as and when called upon to do so.