

**(2022) 03 RAJ CK 0031**

**In the Rajasthan High Court**

**Case No : S.B. Criminal Appeal No. 83, 84 Of 2022**

Ramniwas @ Rama And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

**Date of Decision : 09-03-2022**

**Acts Referred:**

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(VA), 14(A)(2)  
Indian Penal Code, 1860 — Section 143, 307, 323, 341, 392  
Code Of Criminal Procedure, 1973 — Section 439

**Citation : (2022) 03 RAJ CK 0031**

**Hon'ble Judges : Devendra Kachhawaha, J**

**Bench : Single Bench**

**Advocate : Raghunath Bishnoi, S.S. Rajpurohit, Avinash Godara, Suresh Kumbhat**

**Final Decision : Dismissed**

## **Judgement**

Devendra Kachhawaha, J

In S.B. Criminal Appeal No. 83/2022:-

The instant appeal has been filed under Section 14 (A) (2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in judicial custody in connection with F.I.R. No.108/2021, Police Station Abu Parvat, District Sirohi, registered for the offences punishable under Sections 143, 341, 323, 392 and 307 of the Indian Penal Code and Section 3(2)(VA) of the SC/ST (Prevention of Atrocities) Act against the order dated 10.01.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Sirohi, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Heard learned counsel for the appellant, learned Public Prosecutor and learned counsel for the complainant. Perused the material available on record.

Learned counsel for the appellant stated that none of the injuries is declared as

dangerous to life; appellant is behind the bars since 28.12.2021; charge-sheet has filed; and the trial will take time. With these submissions, learned counsel for the appellants prayed that the benefit of bail may be granted to the appellants.

Per contra, learned Public Prosecutor as well as learned counsel appearing on behalf of the complainant has fervently and vehemently opposed the appeal and stated that three other cases have been registered against the accused-appellant.

Thus, having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced, this Court is of the opinion that the appellant deserves to be enlarged on bail.

Consequently, the instant appeal is allowed. The impugned order dated 10.01.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Sirohi, is set aside. It is ordered that the accused-appellant - Ramniwas @ Rama S/o Jagdish Ji, arrested in connection with F.I.R. No.108/2021,

Police Station Abu Parvat, District Sirohi, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- along with 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.

In S.B. Criminal Appeal (Sb) No. 84/2022:-

Learned counsel for the petitioner does not want to press the present criminal appeal but seeks liberty for the appellant to file a fresh criminal appeal after recording the statements of injured witness and Doctor, with a request to issue direction to the learned trial Court to record the statements on priority.

Accordingly, the present criminal appeal moved under Section 14-A(2) of SC/ST (Prevention of Atrocities Act) on behalf of the accused-appellant, Rakesh @ Bobby S/o Devendra

Kumar, stands dismissed as not pressed with liberty as prayed for.

As requested in the circumstances of the case, learned trial Court is directed to record the statements of injured witness and Doctor on priority basis.