

(2023) 08 RAJ CK 0112
In the Rajasthan High Court
Case No : Criminal Appeal No. 799, 1597 Of 2023

Rohit And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 28-08-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R), 3(1)(S), 3(W)(2), 3(2) (V), 14A
Indian Penal Code, 1860 — Section 143, 307, 323, 341, 379
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 08 RAJ CK 0112

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : N.K. Gurjar, Arjun Singh Rathore, N.S. Bhati, Parwat Singh Rathore

Final Decision : Dismissed

Judgement

Manoj Kumar Garg, J

S.B. Criminal Appeal No. 1597/2023

Heard the learned counsel for the appellant and the learned Public Prosecutor and perused the material available on record.

The instant criminal appeal has been filed under Section 14A of SC/ST (PA) Act on behalf of the appellant, who is in custody in connection with FIR No.104/2023, Police Station Badliyas, District Bhilwara for the offences under Sections 143, 341, 323, 354, 307 and 379 of IPC and Sections 3(1)(R), 3(1)(S), 3(W)(2) and 3(2) (V) of SC/ST (Prevention of Atrocity) Act and against the order dated 28.07.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Bhilwara whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Counsel for the appellant submits that according to the statement of injured Modaram, no specific role for inflicting injury to him has been assigned against

the appellant. Challan of the case has already been presented. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor and counsel for the respondent No.2 have 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 criminal appeal is allowed. The impugned order dated 28.07.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities Cases) Bhilwara, is set aside. It is ordered that the accused-appellant Rohit S/o Seetaram arrested in connection with FIR No.104/2023, Police Station Badliyas, District Bhilwara 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.

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Learned counsel for the appellants does not want to press this criminal appeal. However, he seeks liberty to file afresh after recording the statement of injured Modaram.

Hence, the instant criminal appeal is hereby dismissed as not pressed with liberty as prayed for.