

(2022) 01 RAJ CK 0019
In the Rajasthan High Court
Case No : S.B. Criminal Appeal No. 41 Of 2022

Roshanlal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 17-01-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R)(S)(G)(Wi), 3(2)(VA), 14A
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 325, 341, 354, 436, 458, 459, 460
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 01 RAJ CK 0019

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : J.V.S.Deora, Arun Kumar

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

This is the second criminal appeal under Section 14-A of the Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act on behalf of the

appellants, who are in custody in connection with FIR No.364/2021, Police Station Kankkroli, Distt. Rajsamand for the offences under Sections 147,

148, 149, 341, 323, 307, 436, 458, 459, 460, 354, 325 of IPC and Sections 3(1) (R)(S)(G)(W-i), 3(2) (VA) of Scheduled Caste/Scheduled Tribe

(Prevention of Atrocities) Act against the order dated 03.01.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases,

Rajsamand in Criminal Misc. Bail Application No.125/2021 (CIS No.173/2021) whereby, the bail application preferred on behalf of the appellant under

Section 439 Cr.P.C. was rejected. Earlier, the criminal appeal filed by the

appellants was dismissed by this Court as not pressed vide order dt.

09.12.2021 with liberty to file fresh after filing of the challan.

Learned counsel for the appellants submits that now, challan of the case has already been presented. Though the injured received grievous injuries but the injuries are on non-vital part of the body. The learned court below has grossly erred in law and facts as well as in declining to release the appellants on bail.

Learned Public Prosecutor has opposed the prayer for bail.

Having regard to the entirety of facts and circumstances of the case 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 03.01.2022 passed by the Special Judge SC/ST (Prevention of Atrocities)

Cases, Rajsamand is set aside. It is ordered that the accused appellants (1) Roshanlal S/o Chagganlal @ Chaggu Gujjar, (2) Madanlal S/o Rama

Gujjar, (3) Madanlal S/o Rama Gujjar, (4) Badrilal S/o Chaina Gujjar, (5) Kishanlal S/o Chagganlal @ Chaggu Gujjar and (6) Kishanlal S/o Nanalal @

Nainalal Gujjar shall be released on bail in FIR No.364/2021, Police Station Kankkroli, Distt. Rajsamand provided each of them 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.