

(2024) 04 RAJ CK 0120

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 469, 470 Of 2024

Salim And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-04-2024

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, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 04 RAJ CK 0120

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Vinod Kumar Sihag, Achala Ram

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

These appeals have been filed under Section 14A SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with F.I.R. No.184/2023 registered at Police Station Fefana, Dist. Hanumangarh, for the offences under Sections 341, 323, 34, 506 IPC and Section 3(2)(Va) of the SC and ST (Prevention of Atrocities) Act against the orders dated 01.02.2024 and 25.01.2024 passed by the learned Special Judge Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act Cases, Hanumangarh whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants were rejected.

Heard learned counsel for the parties at bar and perused the material available on record.

Learned counsel for the appellants submitted that as per the prosecution, the injured was beaten by the appellants and the co-accused persons on 25.12.2023

with Lathis. Learned counsel submitted that a bare perusal of the FIR would indicate that the appellants inflicted injury upon the left leg of the injured.

It was thus contended that injury allegedly inflicted by the petitioners upon injured is not on the vital body part; the appellants are in custody and trial of the case will take sufficiently long time to be concluded, therefore, the benefit of bail should be granted to the accused-appellant.

Per Contra, learned Public Prosecutor has 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 bar, this Court prima facie finds that the injury inflicted by the appellants upon the injured is not on a vital body part and is not grievous in nature. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that these appeals preferred by the appellants deserve to be allowed.

Consequently, these instant appeals are allowed. The impugned order dated 01.02.2024 and 25.01.2024 passed by the learned Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Hanumangarh are set aside. It is ordered that the accused-appellants (1) Salim S/o Akbar and (2) Sonu Kumar S/o Krishan Kumar arrested in connection with F.I.R. No.184/2023 registered at Police Station Fefana, Dist. Hanumangarh, shall be released on bail; provided each of them furnishes a personal bond of Rs. 50,000/- and two surety bonds 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.

A copy of this order be placed in each file.