
(2022) 11 RAJ CK 0006

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1550, 1641 Of 2022

Sandeep Kumar Hudda And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-11-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R)(S), 14A(2)
Indian Penal Code, 1860 — Section 143, 332, 341, 353
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 11 RAJ CK 0006

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : N.K. Sharma, Kuldeep Sharma, Anita Gehlot, Umesh Kant Vyas

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

These appeals have been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No. 427/2022, Police Station Kotwali Sriganganagar, District Sriganganagar for the offences under Sections 341, 332, 353, 143 of IPC and Section 3(1)(R)(S) of SC/ST Act against the order dated 20.9.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act Cases, Sriganganagar whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants submits that the injured received only simple injuries and the accused-appellants are in judicial custody and the trial of the case will take sufficient long time to be concluded. Counsel further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellants on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellants.

Learned Public Prosecutor as also learned counsel for the respondent have vehemently 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 appellants, cannot be sustained and deserves to be set aside.

Consequently, both the appeals are allowed. The impugned orders dated 20.9.2022 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act Cases, Sriganganagar is set aside. It is ordered that the accused-appellants (1) Sandeep Kumar Hudda S/o Shri Ranveer Singh; and (2) Bablu S/o Patwari Ram, arrested in connection with FIR No. 427/2022, Police Station Kotwali Sriganganagar, District Sriganganagar, shall be released on bail; provided they furnish personal bond of Rs. 1,00,000/- each 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.