

(2022) 12 RAJ CK 0083

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1929, 1930 Of 2022

Sanwar Lal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-12-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 308, 323, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 12 RAJ CK 0083

Hon'ble Judges : Madan Gopal Vyas, J

Bench : Single Bench

Advocate : Shobha Prabhakar, Salim Khan

Final Decision : Allowed

Judgement

Madan Gopal Vyas, J

The instant 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.376/2022, Police Station Mandal, Bhilwara, for the offence under Sections 341, 323, 308 of IPC and Sections 3(2)(va) of the SC/ST Act against the order dated 22.11.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Cases, Bhilwara whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Learned Public Prosecutor stated that service upon respondent No.2 has been completed, despite service, no one has appeared on behalf of respondent No.2-complainant.

Learned counsel for the appellants submits that accused-appellants have falsely been implicated in this case. It is also submitted that all the injuries caused to

injured are reported to be simple in nature. The accused-appellants are in judicial custody since long and the trial of the case will take sufficient long time. Learned counsel further submits that the learned Court below has grossly erred in law and facts as well as in declining to release the appellants on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellant.

Learned counsel appearing for respondent-UOI, learned Public Prosecutor and counsel for respondent No.2 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 instant appeals are allowed. The impugned order dated 22.11.2022 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Bhilwara is set aside. It is ordered that the accused-appellants, (!) Sanwar Lal S/o Bhagwati Lal, (2) Sukhdev S/o Ganesh Lal, and (3) Ram Prasad @ Mukesh S/o Leheru Lal, arrested in connection with FIR No.376/2022, Police Station Mandal, Bhilwara, shall be released on bail; 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.