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**(2023) 04 RAJ CK 0064**

**In the Rajasthan High Court**

**Case No : Criminal Appeal No. 411, 412 Of 2023**

**Shadab Shah And Others APPELLANT @Hash State Of Rajasthan And Others**

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**Date of Decision : 18-04-2023**

**Acts Referred:**

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)  
Indian Penal Code, 1860 — Section 323, 365, 394, 395  
Code Of Criminal Procedure, 1973 — Section 439

**Citation : (2023) 04 RAJ CK 0064**

**Hon'ble Judges : Madan Gopal Vyas, J**

**Bench : Single Bench**

**Advocate : Firoz Khan, Laxman Solanki, Gulam Moinuddin**

**Final Decision : Allowed**

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## **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.136/2023, Police Station Savina, District Udaipur, for the offence under Sections 323, 365, 394, 395 of IPC and Section 3(2)(v) of the SC/ST Act against the order dated 10.04.2023 and 06.04.2023 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Cases, Udaipur whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Learned counsel for the appellants submits that appellants have falsely been implicated in the present case. It is further submitted that the parties have mutually settled the dispute. It is also submitted that co-accused namely Mohammed Irfan Makrani, Immamul Haq and Gulshan Kumar have already been enlarged on bail by this Court vide order dated 13.04.2023. The accused-appellants are in judicial custody since long and the trial of the case will take long time. Learned counsel further submits that the learned Special Judge,

Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Cases, Udaipur 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 may be granted to the accused-appellants.

Learned Public Prosecutor has vehemently opposed the prayer for bail.

Learned counsel for the complainant does not dispute the fact of settlement between the parties.

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 orders rejecting the application for bail filed on behalf of the appellants, cannot be sustained and deserves to be set aside.

Consequently, the instant appeals are allowed. The impugned orders dated 10.04.2023 and 06.04.2023 passed by the learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Cases, Udaipur are set aside. It is ordered that the accused-appellants, (1) Shadab Shah S/o Sh. Sehjad Shah Singh, and (2) Paramjeet Singh @ Bali S/o Sh. Shambhu Singh, arrested in connection with FIR No.136/2023, Police Station Savina, District Udaipur, 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.