

(2021) 10 RAJ CK 0005

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 830, 836, 837 Of 2021

Shivraj And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-10-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 143, 323, 354, 365, 379, 386, 452
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 10 RAJ CK 0005

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : J.S.Choudhary, Pradeep Choudhary, Sunil Bishnoi, S.K. Bhati, Kisturchand, Mohan Lal

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

Mr. Kistur Chand and Mr. Mohan Lal, Advocate have put in appearance on behalf of the complainant-respondent No.2 and wife of the deceased. Service, therefore, is complete.

The instant appeals have been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR (C.R.)No.75.2019, Police Station Kesarisinghpur District Sri Ganganagar for the offences under Sections 302, 458, 324, 147, 148, 149 of IPC and Sections 3(2)(V), 3(2)(Va) of the SC/ST (Prevention of Atrocities) Act against the orders dated 07.09.2021 and 19.08.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Sri Ganganagar, whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants were rejected.

Heard. Perused the material available on record.

After rejection of the criminal appeals (first Bails) of the appellants by this court vide orders dated 04.03.2021, 23.01.2020 and 11.08.2020 respectively, the charge sheet has been filed.

Mr. J.S.Choudhary, learned Senior Counsel submits that after rejection of the appeals (first bails) of the appellants, co-accused Baljinder Singh @ Babbu Singh, Rajvinder Singh and Dilbagh Singh have been enlarged on bail by coordinate benches of this court vide orders dated 28.09.2021 and 01.09.2021. The case of the present appellants is not distinguishable from the case of the other co-accused persons who have already been enlarged on bail. Therefore, they may also be enlarged on bail.

Thus, having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced and the fact that co-accused has been released on bail by the Co-ordinate Benches of this Court, I am of the opinion that the appellants deserve to be enlarged on bail.

Consequently, the instant appeals are allowed. The impugned order dated 07.09.2021 and 19.08.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Sri Ganganagar are set aside. It is ordered that the accused-appellants Shivraj S/o Balwant Singh, Kulvinder Singh @ Kindi S/o Shri Gurdarshan Singh, Jagsir Singh @ Satvir @ Sukhvir Singh S/o Shri Baldev Singh & Manveer Singh @ Maniya @ Manna S/o Sh. Gurmel Singh arrested in connection with F.I.R. (C.R.) No.75/2019 Police Station, Kesarisinghpur District Sri Ganganagar shall be released on bail; provided each of them furnishes a personal bond of Rs. 50,000/- (Rupees: Fifty Thousand Only) and two sureties of Rs. 25,000/- (Rupees: Twenty Five Thousand Only) 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.