

(2017) 04 RAJ CK 0002
In the Rajasthan High Court
Case No : 432 of 2017

Shrawanram

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 03-04-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 354](#),
[Section 384](#)

Citation : (2017) 04 RAJ CK 0002

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : P.S. Punia, Arjun Singh

Final Decision : Allowed

Judgement

1. Heard learned counsel for the appellant and learned Public Prosecutor. Perused the material available on record.
2. The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.228/2015, Police Station Banar, Jodhpur for the offences under Sections 376(2), 376(G), 354, 384 IPC read with Section 3(2)(5) / 3 (1)/3(x) of the SC/ ST Act and Section 3/4 and 11/12 of the POCSO Act against the order dated 20.03.2017 passed by the Special Judge, SC/ST (PA) Cases, Jodhpur whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

3. The prosecutrix Mst. "R" has been examined at the trial. She did not support the prosecution story either against the accused appellant Shrawan or co-accused Jhumarram and attributed the allegations of rape only against co-accused Shobha Ram.

4. Thus, 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 appellant deserves to be released on bail.

5. Consequently, the instant appeal is allowed. The impugned order dated 20.03.2017 passed by the Special Judge, SC/ST (PA) Cases, Jodhpur is set aside. It is ordered that the accused-appellant, Shrawan Ram arrested in connection with F.I.R. No.228/2015, Police Station Banar, Jodhpur shall be released on bail; provided he 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.