
(2023) 10 RAJ CK 0052

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1818 Of 2023

Sikandar Ali @ Sonu And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 11-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 14A(2)
Indian Penal Code, 1860 — Section 34, 307, 323, 341

Citation : (2023) 10 RAJ CK 0052

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Rakesh Matoria, Laxman Solanki

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

1. The instant appeal has been filed under Section 14-A (2) of the SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.198/2023, registered at Police Station Gharsana, District Sri Ganganagar for the offences under Sections 307, 323, 341 & 34 of IPC and Section 3(2)(V) of SC/ST Act.

Heard learned counsel for the appellants and Public Prosecutor for the State. Perused the material available on record.

Learned counsel for the appellants submitted that appellants have been falsely implicated in the present case. He further submitted that appellants were not aggressors and they have been roped in a false criminal case. Drawing attention of this Court towards the injury report of the injured-victim persons, learned counsel for the appellants submitted that injuries allegedly inflicted by the appellants upon injured person are grievous in nature but not dangerous to life. Learned counsel submitted that the appellants are in judicial custody since

19.07.2023 and challan against the appellants has already been filed. No fruitful purpose would served by keeping the appellants behind the bars for an indefinite period; the trial of the case will take sufficiently long time to conclude. Thus, learned counsel prayed that benefit of bail may be extended to the appellants.

Per contra, learned Public Prosecutor vehemently opposed the bail application. However, he was not in a position to refute the fact that as per injury report, injuries allegedly inflicted by the appellants upon injured person are grievous in nature but not dangerous to life.

Having regard to the totality of facts and circumstances as available on record and upon consideration of the arguments advanced so also the fact that the injuries allegedly inflicted by the appellants upon injured persons are not dangerous to life and the appellants are in judicial custody since 19.07.2023, without commenting on the merits of the case, this Court deems it proper to enlarge the appellant on bail.

Consequently, the instant appeal is allowed. The impugned order dated 31.08.2023 passed by the learned Special Judge, SC/ ST (Prevention of Atrocity) Act, District Sri Ganganagar is set aside. It is ordered that the accused-appellants namely -Sikandar Ali @ Sonu S/o Falaksher and Akashdeep Singh @ Kachhu S/o Gurtej Singh @ Teji arrested in connection with FIR No.198/2023, registered at Police Station Gharsana, District Sri Ganganagar shall be released on bail, if not wanted in any other case, provided them furnish a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each to the satisfaction of the learned lower Court with the stipulation to appear before the trial Court on all dates of hearing and as and when called upon to do so.