

(2024) 02 RAJ CK 0038

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 165 Of 2024

Sohan Lal @ Senu

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 13-02-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 14A

Citation : (2024) 02 RAJ CK 0038

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Pradeep Shah, Mukesh Trivedi

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.

The instant appeal has been filed under Section 14A of SC/ST Act on behalf of the appellant, who is in custody in connection with FIR No.114/2021, Police Station Abu Road City, Abu Road, District Sirohi for the offences under Sections 302, 279, 364, 120-B IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act and against the order dated 14.08.2023 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act Cases, Sirohi whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

It has been submitted on behalf of the appellant that similar situated co-accused Sonu @ Nandu @ Pawan has already been enlarged on bail by the Co-Ordinate Bench of this Court and the case of present appellant is not distinguishable from that of co-accused. Counsel further submits that all the other co-accused have also been released by this Court. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. Therefore, the

benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor 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 appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 14.08.2023 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act Cases, Sirohi, is set aside. It is ordered that the accused-appellant Sohan Lal @ Senu S/o Sh. Nathu Ram arrested in connection with FIR No.114/2021, Police Station Abu Road City, Abu Road, District Sirohi shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/-and two sureties bond of Rs.50,000/- 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.