

(2023) 08 RAJ CK 0114
In the Rajasthan High Court
Case No : Criminal Appeal No. 1696 Of 2023

Sujan Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 28-08-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(1)(t), 14A(2)
Indian Penal Code, 1860 — Section 505
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 08 RAJ CK 0114

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : R.S. Chundawat, Mahipal Bishnoi, K.S. Kumpawat

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard the learned counsel for the appellants and the learned Public Prosecutor as well as counsel for the respondent NO.2. Perused the material available on record.

The instant appeal has been filed under Section 14A (2) of SC/ST (Prevention of Atrocity) Act on behalf of the appellants, who are in custody in connection with FIR No.292/2023, Police Station Mandal, District Bhilwara for the offences under Section 505 of IPC and Sections 3(1)(s) and 3(1)(t) of SC/ST (Prevention of Atrocity) Act and against the order dated 19.08.2023 passed by the Special Judge, SC/ST (Prevention of Atrocity Cases), Bhilwara whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants submits that now the compromise has arrived between the parties. The accused-appellants are 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-appellants.

Learned Public Prosecutor opposed the prayer for bail. Counsel for the respondent No.2 concurs the fact of compromise.

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 appellants, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 19.08.2023 passed by the Special Judge, SC/ST (Prevention of Atrocity Cases), Bhilwara is set aside. It is ordered that the accused-appellants (1) Sujan Singh S/o Ladu Singh & (2) Dilip Singh S/o Shiv Singh arrested in connection with FIR No.292/2023, Police Station Mandal, District Bhilwara shall be released on bail; provided they furnish a personal bond of Rs.1,00,000/- each 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.