

(2022) 02 RAJ CK 0090

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1052 Of 2021

Sunil @ Sonu @ Sonpuri

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-02-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(?) (ii), 3(2) (v), 3(2)(va), 14A(2)
Indian Penal Code, 1860 — Section 354D, 376(2)N, 384
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 02 RAJ CK 0090

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Dhirendra Singh, Jagdish Singh, S.S. Rajpurohit, Avinash Godara, Surendra Bagmalani

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

The instant appeal has been filed under Section 14-A SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No. 116/2021 registered at Women Police Station, Barmer for the offences under Sections 354-D, 384, 376(2)N of IPC and Section 3(1)(a)(ii), 3(2) (v), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the order dated 26.10.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Barmer whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Learned counsel for the appellant submits that the prosecutrix is major married lady, who lodged the report in police after one year of the alleged incident. Prosecutrix has not furnished any explanation for such inordinate delay. Allegation of committing rape upon the prosecution by the petitioner is false. He further submits that there were relations between the parties. After investigation, challan has already been filed. Appellant is behind the bars since

12.7.2021. Trial is not likely to be concluded in near future. In the above, circumstances, learned counsel for the appellant prays that the appeal filed by the appellant deserves to be allowed.

On the contrary, learned counsel for the complainant and learned Public Prosecutor have opposed the appeal.

Having regard to the rival contentions of the learned counsel for the parties and after perusal of the material available on record, in the facts and circumstances of the case, particularly looking to the fact of delay in filing the FIR and the age of the prosecutrix, without expressing any opinion on the merits of the case, this Court deems it just and proper to grant the bail to the appellant.

Consequently, the instant appeal is allowed. The impugned order dated 26.10.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Barmer is set aside. It is ordered that the accused-appellant, Sunil @ Sonu @ Sonpuri S/o Shri Kishan Puri arrested in connection with F.I.R. No.116/2021 registered at Women Police Station, Barmer shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- with two sound and solvent sureties 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.