

(2022) 12 RAJ CK 0016
In the Rajasthan High Court
Case No : S.B. Criminal Appeal No. 1874 Of 2022

Surendra	Vs	APPELLANT
State Of Rajasthan And Others		RESPONDENT

Date of Decision : 05-12-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2) (va), 14A(2)
Indian Penal Code, 1860 — Section 143, 307, 323, 341

Citation : (2022) 12 RAJ CK 0016

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Jitendra Ojha, Salim Khan Mehar, Ashok Kumar, Varun Arora

Final Decision : Allowed

Judgement

Dinesh Mehta, J

1. This appeal has been filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the appellant in connection with FIR No.180/2022, Police Station Khajuwala, District Bikaner for the offences under Sections 307, 323, 341, 143 IPC and Section 3(1)(r), 3(1)(s), 3(2) (va) of SC/ST Act, 1989.

2. Learned counsel for the appellant invited Court's attention towards the material filed along with the charge-sheet, including the injury report and submitted that injury caused to the complainant was on non-vital part and considering such aspect the Coordinate Bench of this Court has allowed the appeals of Harvindra Singh and Naresh Kumar vide its order dated 03.11.2022 (SB Criminal Appeal Nos.1639/2022 & No.1582/2022 respectively).

3. Learned counsel argued that case of the present appellant is not different than the co-accused, who have been enlarged on bail

4. Learned Public Prosecutor vehemently opposed the appellant's prayer.

5. Having regard to the facts and circumstances of the case and considering the arguments advanced at the bar and also considering the fact that appeals of similarly situated co-accused namely Harvindra Singh and Naresh Kumar have been allowed by the Coordinate Bench of this Court, without expressing any opinion on the merits/demerits of the case, I deem it just and proper to allow the present appeal of the appellant.

6. Consequently, the appeal is allowed. The impugned order dated 11.11.2022 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Bikaner is set aside. It is ordered that the accused – appellant - Surendra S/o Tara Chand arrested in connection with FIR No.180/2022, Police Station Khajuwala, District Bikaner shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

7. Appellant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

8. Needless to mention that the above observations made by this Court are on the basis of material so far produced before the Court. These are only prima-facie observations and the same shall however, not come in the way of the trial Court to take independent view of the matter, based on ocular and oral evidence, while finally deciding the case.