

(2022) 12 RAJ CK 0117

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1271 Of 2022, S.B. Criminal Appeal (SB) No. 1475 Of 2022

Tarachand And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-12-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 34, 302, 324, 342, 365

Citation : (2022) 12 RAJ CK 0117

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Jeetender Singh Khichi, Umesh Kant Vyas, Gaurav Singh

Final Decision : Allowed

Judgement

Farjand Ali, J

The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who is in custody in connection with FIR No.101/2022, Police Station Sadulsahar, District Sriganganagar, for the offences under Sections 302, 342, 324, 365, 34 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants are not named in the FIR, there is specific allegation that it was accused Pala Ram and two other accused persons who were not known to the complainant made an assault, however, no identification parade has been conducted. He further submits that after investigation charge-sheet has been filed. The alleged recovery of stick is nothing but a farce as the same has not been found smeared with blood, thus, there is no nexus between the recovery of the stick and the appellants. Therefore, benefit of bail may be granted to the appellants.

Per contra, learned learned Public Prosecutor opposed the bail application.

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

Having regard to the totality of facts and circumstances as available on record and upon a consideration of the arguments advanced, this Court is of the opinion that the appellants deserve to be enlarged on bail.

Consequently, the instant appeal is allowed. The impugned order dated 20.07.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Sri Ganganagar is set aside. It is ordered that the accused-appellants-(1) Tarachand S/o Sishpal @ Palaram and (2) Kaluram S/o Jeetram arrested in connection with aforesaid FIR, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs. 50,000/- and two sureties of Rs. 25,000/- 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.