

(2023) 09 RAJ CK 0049

In the Rajasthan High Court

Case No : Criminal Appeal (Sb) No. 1680 Of 2023

Umaid Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 15-09-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(VA), 14A
Indian Penal Code, 1860 — Section 34, 323, 325, 329, 341, 354, 504
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 09 RAJ CK 0049

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : D.S. Udawat, Gaurav Singh

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellants and the 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 appellants, who are in custody in connection with FIR No.154/2023, Police Station Samdari, District Barmer for the offences under Sections 341, 323, 325/34, 329, 354 and 504 IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(VA) of Prevention of Atrocities of SC/ST Act against the order dated 14.08.2023 passed by learned Special Judge, SC/ST Act Cases, Balotra 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 appellants that challan of the case has already been presented and injured received injuries on his non-vital part of the body. 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 has 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 appellants, 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 Act Cases, Balotra is set aside. It is ordered that the accused-appellants (1) Umaid Singh S/o Sohan Singh, (2) Dashrath Singh S/o Padam Singh & (3) Jeevan Singh S/o Bhikh Singharrested in connection with FIR No.154/2023, Police Station Samdari, District Barmer shall be released on bail; provided they furnish a personal bonds of Rs.1,00,000/- each and two sureties bond 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.