

(2023) 10 RAJ CK 0045

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1837 Of 2023

Vikram And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 12-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(1)(r), 3(2)(V), 3(2)(VA), 14A
Code Of Criminal Procedure, 1973 — Sectio439n

Citation : (2023) 10 RAJ CK 0045

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : DS Thind, AR Choudhary

Final Decision : Partly Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A of SC/ST Act, on behalf of the appellants, who are in custody in connection with F.I.R. No.262/2023, Police Station Sadar, District Sriganganagar for the offence under Sections 307, 323, 341, 143 of IPC, and Sections 3(1)(S), 3(2)(V) & Section 3(1)(r), 3(2)(VA) & 3(1)(s) of SC/ST Act against the order dated 23.08.2023 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases, Sriganganagar, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Counsel for the appellants wants to withdraw the appeal qua the appellant Nos.2 and 3.

Hence, the appeal is hereby dismissed as withdrawn qua appellant Nos.2-Ravi Singh & 3-Vicky.

So far as appellant No.1 is concerned, learned counsel for the appellants submits that similarly situated co-accused Sukhpreet @ Sukhi has already been enlarged

on bail by co-ordinate Bench of this Court and the case of appellant No.1 is similar to that of co-accused. The accused-appellant is in judicial custody and the trial of the case will take sufficient long time to be concluded. He further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellant on bail. Therefore, it is prayed that the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has opposed the prayer for bail. According to the statement of injured-Sandeep, a specific allegation has been levelled against appellants No.2 Ravi Singh and No.3 Vickky and not against appellant No.1 Vikram.

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 appellant No.1, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is partly allowed. The impugned order dated 23.08.2023 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases, Sriganaganagar, is set aside. It is ordered that the accused-appellant Vikram S/o Amarjeet Singh arrested in connection with F.I.R. No.262/2023, Police Station Sadar, District Sriganaganagar, shall be released on bail; provided he furnish personal bond of Rs. 1,00,000/- 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.

However, trial Court is directed to record the statement of injured Sandeep as early as possible.