

(2017) 03 RAJ CK 0043
In the Rajasthan High Court
Case No : 343 of 2017

Vikram Singh S/o Shri Man Singh Chouhan
Vs

APPELLANT

The State of Rajasthan

RESPONDENT

Date of Decision : 09-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 34](#), [Section 1767-307](#) Sec

Citation : (2017) 03 RAJ CK 0043

Hon'ble Judges : Deepak Menaria, Rajesh Bhati

Bench : DIVISION BENCH

Final Decision : Allowed

Judgement

1. Heard learned counsel for the appellant and learned Public Prosecutor. Perused the material available on record.
2. The instant appeal has been filed under Section 14A(2) SC/ST (PA) Act on behalf of the appellant, who is in custody in connection with F.I.R. No.98/2016, Police Station Goverdhan Vilas, Udaipur for the offences under Sections 307, 341, 323 / 34 IPC and Section 3(2)(v) of the SC/ST (PA) Act against the order dated 21.2.2017 passed by the Special Judge, SC/ST (PA) Cases, Udaipur whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.
3. The second bail application preferred on behalf of the appellant was dismissed by this Court on 5.9.2016 giving him

liberty to file a fresh one after examination of the injured Madan Lal in the trial Court. Now the witness has been examined by the trial Court. Thereafter an application for bail was moved on behalf of the appellant which was rejected vide order dated 21.2.2017. Hence, the instant appeal.

4. Learned counsel for the appellant contends that the specific allegation of the injured in his sworn testimony regarding the injuries caused to him has been attributed to Govind and Shubham against whom the prosecution did not file a charge-sheet. He contends that till date the trial Court has not taken any action against the left out accused.

5. Learned PP opposes the prayer for grant of bail made on behalf of the appellant.

6. Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar but without expressing any opinion on the merits of the case, I am inclined to grant bail to the appellant.

7. Consequently, the instant appeal is allowed. The impugned order dated 21.2.2017 passed by the Special Judge, SC/ST (PA) Cases, Udaipur is set aside. It is ordered that the accused-appellant, Vikram Singh arrested in connection with F.I.R. No.98/2016, Police Station Goverdhan Vilas, Udaipur shall be released on bail; provided he furnishes a personal bond of Rs.50,000/- and two surety bonds 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.