

(2023) 12 RAJ CK 0095
In the Rajasthan High Court
Case No : Criminal Appeal (SB) No. 2597 Of 2023

Vinod And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-12-2023

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, 147, 148, 149, 307, 323, 325, 341, 504, 506

Citation : (2023) 12 RAJ CK 0095

Hon'ble Judges : Yogendra Kumar Purohit, J

Bench : Single Bench

Advocate : Kailash Khilery, A.R.Choudhary

Final Decision : Allowed

Judgement

Yogendra Kumar Purohit, J

1. Learned Public Prosecutor submits that as per the report sent by the SHO, Police Station Pur, District Bhilwara, the notice on the respondent No.2 complainant has been served. Thus, service on the respondent No.2 is complete. However, today, no one is present on behalf of the respondent No.2.
2. Heard learned counsel for the appellants and learned Public Prosecutor for the State. Perused the material available on record.
3. The instant appeal has been filed under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.241/2023 registered at Police Station Pur, District Bhilwara for the offences under Sections 143, 147, 148, 149, 504, 506, 341, 323, 325, 307 IPC and Sections 3(1)(r), 3(1)(s), & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.
4. It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in the case. No specific injury has been attributed to the

present appellants. The co-accused Mithu Lal, Mahaveer and Dharamraj @ Dharma have already been enlarged on bail by Coordinate Bench of this Court vide orders dated 15.12.2023 passed in S.B.Criminal Appeal (Sb) No.2485/2023 and 2486/2023. The appellants are in judicial custody since their arrest and the trial of the case will take sufficiently long time to conclude. Thus, learned counsel submits benefit of bail may be extended to the appellants.

5. Per contra, learned Public Prosecutor appearing for the State vehemently opposed the bail application.

6. Having regard to the totality of facts and circumstances as available on record and upon consideration of the arguments advanced and the fact that co-accused named above have already been enlarged on bail by Co-ordinate Bench of this Court, without commenting on the merits of the case, this Court deems it proper to enlarge the appellants on bail.

7. Consequently, the instant appeal is allowed. The impugned order dated 18.11.2023 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Bhilwara qua the appellants is set aside. It is ordered that the accused-appellants- Vinod S/o Shankar Lal and Mahaveer S/o Bhanwar Lal arrested in connection with aforesaid FIR, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs. 50,000/- and two sureties of Rs. 25,000/-each to the satisfaction of the learned lower Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.