

(2023) 11 RAJ CK 0027

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 1741 Of 2022, 2194 Of 2023

Vinod And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-11-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 14A(2)

Indian Penal Code, 1860 — Section 148, 149, 302, 307, 323, 447

Citation : (2023) 11 RAJ CK 0027

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Vineet Jain, Harshvardhan Singh, N.L. Joshi, Kirti Pareek, Arun Kumar, Ankur Limba

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

1. Heard learned counsel representing the appellants, learned Public Prosecutor and learned counsel for the complainant. Perused the material available on record.

These appeals have been preferred on behalf of the appellants under Section 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved by the orders dated 16.09.2023 and 29.09.2022 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Hanumangarh in Cr. Misc. Case (Bail) No.253/2023 (CIS No.204/2023) and 209/2022 (CIS No.194/2022) respectively rejecting the bail applications preferred on behalf of the appellants who are in custody in connection with FIR No.545/2018, Police Station Pilibanga, District Hanumangarh, for the offences under Sections 148, 302, 302/149, 447, 323, 323/149, 307 and 307/149 IPC and Section 3(2)(V) of the SC/ST Act.

Learned counsel for the appellants submitted that allegation against the present

appellants is of inflicting injuries upon Gauri Shanker and Chunni Lal. It was urged that the injuries allegedly inflicted by the appellants upon the injured Gauri Shanker and Chunni Lal are simple in nature. Learned counsel submitted that statements of few of the witnesses have already been recorded before the competent criminal court wherein, they have deposed that co-accused Vikram and Kaluram fired upon the deceased Prithviraj, due to which he died.

Learned counsel submitted that in view of the fact that injuries inflicted by the appellants are simple in nature and allegation of firing upon the deceased has been levelled against co-accused Vikram and Kaluram coupled with the fact that co-accused Mukesh has already been enlarged on bail by a coordinate Bench of this Court on 19.10.2023, the appellants who are in custody since 24.10.2018 i.e. for almost last 5 years; trial of the case is likely to take time, deserve to be enlarged on bail.

Per contra, learned Public Prosecutor and learned counsel for the complainant vehemently opposed the bail applications. However, they were not in position to refute the fact that co-accused Mukesh has already been enlarged on bail. They were also not in position to refute the fact that injuries allegedly inflicted by the appellants upon the injured persons are simple in nature and the allegation of firing upon the deceased Prithviraj has been levelled against co-accused Vikram and Kaluram.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appellants are entitled to be released on bail.

Consequently, these appeals are allowed. The orders dated 16.09.2023 and 29.09.2022 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Hanumangarh are set aside. It is ordered that the accused-appellants (1) Vinod S/o Bhajanlal and (2) Shamsheer Khan S/o Shri Inayat Ali arrested in connection with FIR No.545/2018, Police Station Pilibanga, District Hanumangarh shall be released on bail during pendency of the trial; provided each of them furnishes 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.

A copy of this order be placed in each file.