

(2022) 05 RAJ CK 0055

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 566 Of 2022

Vinod Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 13-05-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(2)(V), 14A(2)
Indian Penal Code, 1860 — Section 34, 323, 326, 341, 459
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 05 RAJ CK 0055

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Kuldeep Sharma, S.S.Rajpurohit

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellants as well as learned learned public prosecutor and perused the material available on record.

The instant appeal has been filed under Section 14A (2) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in connection with FIR No.100/2022, Police Station Sangaria, Distt. Hanumangarh for the offences under Sections 459, 341, 323, 326 & 34 of IPC and Section 3(1)(S) & 3(2)(V) of SC/ST Act, against the order dated 26.04.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Hanumangarh in Criminal Misc. Case No.68/2022 (CIS No.67/2022) whereby, the bail application preferred on behalf of the appellants under Section 439 Cr.P.C. was rejected.

Learned counsel for the appellants submits that the appellants have not committed the offences as alleged against them and they are innocent. The

appellants are in judicial custody and trial of the case will take a sufficient long time. In these circumstances, the appellants may be released on bail.

Learned Public Prosecutor has opposed the prayer for bail. Having regard to the entirety of facts and circumstances of

the case 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 26.04.2022 passed by the learned Special Judge SC/ST (Prevention of Atrocities) Cases, Hanumangarh is set aside. It is ordered that the accused-appellants (1) Vinod Singh S/o Shri Pratap Singh @ Rampratap and (2) Palaram @ Gopal S/o Shri Pratap Singh @ Rampratap shall be released on bail in FIR No.100/2022, Police Station Sangaria, Disstt. Hanumangarh provided each of them furnishes a 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.