

(2023) 06 RAJ CK 0048
In the Rajasthan High Court
Case No : Criminal Appeal No. 324 Of 2023

Vivek Sharma @ Vicky Lala

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 02-06-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(Va), 14A(2)
Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324, 341, 427

Citation : (2023) 06 RAJ CK 0048

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Mohan Lal, S.K. Bhati

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

Heard learned counsel representing the appellant and learned Public Prosecutor. Perused the material available on record.

No one has appeared on behalf of respondent No.2 despite service.

This appeal has been preferred on behalf of the appellant under Section 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved of the order dated 16.02.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Sri Ganganagar in Cr. Misc. Case No.57/2023 (CIS No.41/2023) rejecting the bail application preferred on behalf of the appellant who is in custody in connection with FIR No.312/2022 registered at Police Station Jawahar Nagar, District Sri Ganganagar for the offences under Sections 307, 323, 324, 341, 147, 148, 149 and 427 IPC and Sections 3(2)(Va) of the SC & ST Act.

Learned counsel for the appellant submitted that co-accused Golu @ Manoj, Sandeep @ Aadhar Card, Someshwar @ Monu Khatak and Govind Kumar have already been enlarged on bail by coordinate Bench of this Court vide orders

dated 20.12.2022, 18.11.2022, 01.11.2022 and 01.11.2022 respectively.

Learned counsel submitted that alleged injury inflicted to the injured Akash Kumar is found on the finger of his right hand; no injury was found on the vital part of the body rather they were found on his lower limb. Thus, there is nothing on record to infer that case falls within the ambit of Section 307 IPC. Learned counsel submitted that the appellant is in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor has vehemently opposed the bail application.

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 appellant is entitled to be released on bail.

Consequently, the appeal is allowed. The order dated 16.02.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocity) Cases, Shri Ganganagar is set aside. It is ordered that the accused-appellant Vivek Sharma @ Vicky Lala S/o Shri Hansraj Sharma arrested in connection with FIR No.312/2022 registered at Police Station Jawahar Nagar, District Sri Ganganagar shall be released on bail during pendency of the trial; provided he 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.