

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Appeal No. 1460/2020

1. Mishrya S/o Phulya, R/o Langah, Police Station Sapotra, Distt. Karauli Raj.
2. Hari S/o Phulya, R/o Langah, Police Station Sapotra, Distt. Karauli Raj.
3. Gajana S/o Phulya, R/o Langah, Police Station Sapotra, Distt. Karauli Raj. (Presently Confined In Distt. Jail Karauli)

-----Appellants

Versus

1. State Of Rajasthan, Through P.p.
2. Shri Shyam Babu S/o Shri Ramswaroop, Aged About 26 Years, R/o Sarojpura, Police Station Sapotra Distt. Karauli.

-----Respondents

| | | |
|------------------|---|---------------------------------|
| For Appellant(s) | : | Mr. Rajneesh Gupta (through VC) |
| For Complainant | : | Mr. Mukesh Goyal (through VC) |
| For State | : | Mr. Laxman Meena, PP |

HON'BLE MR. JUSTICE PRAKASH GUPTA

Order

30/09/2020

This Cr. Appeal has been filed by the appellants under Section 14-A of the Scheduled Casts / Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989').

Facts of the case are that FIR No. 380/2020 was registered at Police Station, Sapotara, Distt. Karauli for the offence under Sections 143, 323, 341 IPC and Sections 3(1)(r), 3(1)(S) and 3(2)(va) of the Act of 1989. The appellants filed the bail application before the Court below, which came to be dismissed vide order dated 17.9.2020. Hence, the present appeal.

Learned counsel for the appellants submits that except Section 3 of the Act of 1989, all other offences are bailable. He further submits that the parties have entered into the compromise, hence the appellants are entitled to be enlarged on bail.

Learned counsel for the complainant does not oppose the same, although the learned PP appearing for the State has opposed it.

I have heard learned counsel for the parties and perused the material on record.

Considering the submissions of learned counsel for both the parties and material on record, I deem it just and proper to allow the appeal. Accordingly, the order dated 17.9.2020 passed by the Court below is quashed and set-aside and it is directed that the accused appellants (1) Mishrya S/o Phulya; (2) Hari S/o Phulya; and (3) Gajana S/o Phulya, be released on bail provided each of them furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each before the trial court, subject to its satisfaction, with the stipulation that the appellants shall appear before that court on all subsequent dates of hearing and as and when called upon to do so.

(PRAKASH GUPTA), J.