

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

S.B. Criminal Appeal No. 1665/2021

Mohan Singh Son of Jhamman Singh, Resident of Surota, Police Station Kumher, District Bharatpur (Raj.) (At Present In Central Jail, Bharatpur)

-----Accused/Appellant

Versus

1. State Of Rajasthan, Through PP
-----Respondent
2. Revti Prasad Son of Shri Girraj, Resident of Sukka Ka Nagla, Sewar, District Bharatpur (Raj.)
-----Complainant/Respondent

For Appellant(s)	:	Mr. Karanpal Singh
For Respondent(s)	:	Mr. F.R. Meena, P.P. Mr. Mukesh Kumar Meena, for complainant.

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

29/10/2021

Learned counsel for the appellant submits that after rejection of the first criminal appeal, charge sheet has been filed; hence, this criminal appeal.

The present criminal appeal under Section 14(A)(2) of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act has been filed in connection with FIR No.0321/2021 registered at Police Station Sewar, District Bharatpur (Rajasthan) for the offence under Section(s) 341, 323 & 336 IPC and Section(s) 3(1)(r), 3(1)(s) & 3(2)(va) of SC & ST (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') and later on for the offence

under Section(s) 323, 341 & 307 IPC and under Section(s) 3(1)(r) (S) & 3(2)(va) of the Act of 1989.

Learned counsel for the appellant submitted that none has received any grievous injury and hence, no offence under Section 307 IPC is made out. He submitted that the allegation against him is of opening gunfire which is neither medically corroborated nor, any weapon of offence is recovered from him. Learned counsel submitted that the appellant is in custody since 03.08.2021, charge sheet has been filed, trial of the case will take time, he has no criminal antecedents except a criminal case registered way back in the year 2009 under minor offence(s) and prayed for his release on bail.

Learned Public Prosecutor assisted by the learned counsel for the complainant opposing the appeal submitted that in view of the gravity of allegation against the appellant, he does not deserve indulgence of bail.

Taking into consideration the submissions advanced by learned counsels for the respective parties, the nature of allegation against the appellant, his length of custody, filing of charge sheet, material contained therein especially the injury reports and absence of criminal antecedents of similar nature; but, without expressing any opinion on the merits of the case, this court deems it just and proper to enlarge the appellant on bail.

The order dated 06.10.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities Cases), Bharatpur (Rajasthan) is quashed and set-aside and this appeal is accordingly allowed. It is directed that accused appellant **Mohan Singh S/o Jhamman Singh** shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees

One Lac Only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the satisfaction of the learned Trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so and shall comply with all the conditions laid down under Section 437(3) Cr.P.C.

(MAHENDAR KUMAR GOYAL),J

DANISH USMANI /05



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