

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

S.B. Criminal Appeal No. 2595/2022

Arun Pachauri Son Of Shri Ramlaxman Sharma, Resident Of Sitaram Colony, Nearby Water Works Dholpur, Police Station Nihalganj, District Dholpur (Raj). (At Present Confined In District Jail, Dholpur).

----Appellant

Versus

1. State Of Rajasthan, Through P.P.
2. Lalsingh Son Of Shri Harphool, Resident Of Khanpur Meena, Police Station Sadar, Badi At Present Near Jagan Talkies, Talaiya Mohalla, Dholpur, Police Station Nihalganj, Dholpur (Raj).

----Respondents

For Appellant(s) : Mr. Anil Jain, Advocate
For Respondent(s) : Mr. Ganesh Meena, PP

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

22/12/2022

The instant appeal has been filed under Section 14A(2) of the SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.539/2022, registered at Police Station Nihalganj, Dholpur for the offences under Sections 323 and 341 of IPC and Sections 3(1)(a) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the order dated 19.12.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Dholpur, whereby, the bail application preferred under Section 439 of Cr.P.C. on behalf of the appellant was rejected.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter and he has no concern with the incident. Counsel submits that the appellant is in custody since the date of his arrest and the trial will take its own time to conclude. So, indulgence of bail be granted to the appellant and appeal of the appellant may kindly be allowed.

Per contra, learned Public Prosecutor opposed the arguments raised by the counsel for the appellant.

Heard. Perused the material available on record.

Considering the arguments put forward by the learned counsel for the appellant and looking to the fact that the appellant is in custody since his arrest and trial will take its own time to conclude and without expressing any opinion on merits and demerits of the case, I deem it just and appropriate to grant indulgence of bail to the appellant.

Consequently, the instant appeal is allowed. The impugned order dated 19.12.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Dholpur is set aside. It is ordered that the accused – appellant Arun Pachauri Son of Shri Ramlaxman Sharma arrested in connection with aforesaid FIR shall be released on bail; provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum 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.

(ANOOP KUMAR DHAND),J