

Angrej @ Vipin And Ors Vs State And Ors

**Criminal Appeal No. 912, 979, 981, 982, 983, Of 2020, Criminal Miscellaneous Bail
Application No. 13222 Of 2020**

Court: Rajasthan High Court

Date of Decision: Jan. 12, 2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 3(1)(R)(S), 3(2)(V), 14A(2)#Indian Penal Code, 1860 " Section 147, 148, 149, 307, 323, 336, 436#Arms Act, 1959 " Section 3, 4, 25, 27#Code Of Criminal Procedure, 1973 " Section 439#Explosive Substances Act, 1883 " Section 3, 4

Hon'ble Judges: Vinit Kumar Mathur, J

Bench: Single Bench

Advocate: Himmat Jagga, Devendra Singh Thind, Shrawan Bishnoi

Final Decision: Allowed

Judgement

Despite service upon the respondent- complainant, nobody has appeared.

The instant appeals have been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellants, who are in custody in

connection with FIR No.213/2020, Police Station Sadar, Sri Ganganagar for the offences under Sections 307, 323, 436, 336, 147, 148, 149 of IPC,

section 3/25, 4/25, 27 of Arms Act, section 3, 4 of Explosive Substance Act, section 3(1) (R)(S), 3(2) (V) of the SC/ST (Prevention of Atrocities) Act

against the order dated 21.10.2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Sri Ganganagar, whereby, the bail

application preferred under Section 439 Cr.P.C. on behalf of the appellants was rejected.

Heard. Perused the material available on record. It is submitted by learned counsel for the appellants that co- accused persons namely Sunny, Vishal,

Akash, Salim @ Malkiya, Manoj @ Ganda, Allahditta, Guljar Khan @ Yaru, Badshah Khan, Roshan Kumar and Shrawan Kumar have been enlarged

on bail by this court vide order dated 13.10.2020. The charge sheet has been filed in the case. As per the charge sheet, only one person Bhupendra

has received a single injury which is simple in nature. It is further contended that the allegations leveled in the FIR and other statements are

exaggerated. Therefore, it is prayed that the appellants may be enlarged on bail.

Thus, having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced, this Court

is of the opinion that the appellants deserve to be enlarged on bail.

Consequently, the instant appeal is allowed. The impugned orders dated 21.10.2020, 30.07.2020, 16.10.2020, 19.10.2020 & 06.08.2020 passed by the

Special Judge, SC/ST (Prevention of Atrocities) Cases, Sri Ganganagar is set aside. It is ordered that the accused-appellants Angrej @ Vipin S/o Shri

Raja Ram, Mohammad Aarif @ Jhabdu S/o Sh. Falak Sher, Prince Soni S/o Shri Ram Niwas Soni, Mohammad Tarej Khan @ Billiya S/o Julfkar

Khan & Rangu @ Aurangzeb S/o Julfkar Ali arrested in connection with FIR No.213/2020, Police Station Sadar, Sri Ganganagar shall be released on

bail; provided each of them furnishes a personal bond of Rs. 50,000/- (Rupees: Fifty Thousand Only) and two sureties of Rs. 25,000/- (Rupees:

Twenty Five Thousand Only) 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.

S.B.CRIMINAL MISC. BAIL APPLICATION NO.1322/2020

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner who is in custody in connection with F.I.R.

No.213/2020 Police Station Sadar, Sri Ganganagar for the offences under Sections 307, 323, 346, 336, 147, 148, 149 of IPC, section 3, 4 of Explosive

Act, 1908 and 27 of Arms Act.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

It is submitted by learned counsel for the petitioner that co- accused persons namely Sunny, Vishal, Akash, Salim @ Malkiya, Manoj @ Ganda,

Allahditta, Guljar Khan @ Yaru, Badshah Khan, Roshan Kumar and Shrawan Kumar have been enlarged on bail by this court vide order dated

13.10.2020. The charge sheet has been filed in the case. As per the charge sheet, only one person Bhupendra has received a single injury which is

simple in nature. It is further contended that the allegations leveled in the FIR and other statements are exaggerated. The conclusion of trial will take

sufficiently long time, therefore, it is prayed that the petitioner may be enlarged on bail.

The learned Public Prosecutor opposes the bail. Having regard to the peculiar facts and circumstances of the case as also the present situation of the

country due to pandemic of corona virus (COVID-19), in particular the jails, this Court deems it just and proper to release the petitioner on bail.

Consequently, the bail application is allowed. It is ordered that the accused-petitioner Suraj @ Randhwa @ Ghardhala S/o Late Ramnivas Godayat

Suresh Kumar arrested in connection with F.I.R. No.213/2020 Police Station Sadar, Sri Ganganagar shall be released on bail; provided he furnishes a

personal bond of Rs.50,000/- (Rupees: Fifty Thousand Only) with two sureties of Rs.25,000/- (Rupees : Twenty Five Thousand Only) 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.a