
Nirbhan Son Of Raghunath And Others Vs State Of Rajasthan And Others

Criminal Appeal No. 776 Of 2021

Court: Rajasthan High Court, Jaipur Bench

Date of Decision: June 11, 2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(2)(va), 14(A)(2)#Indian Penal Code, 1860 " Section 323, 341, 379, 376D

Citation: (2021) 06 RAJ CK 0007

Hon'ble Judges: Inderjeet Singh, J

Bench: Single Bench

Advocate: C.M. Sharma, S.S. Ola, B.S. Kachhawa

Final Decision: Allowed

Judgement

Inderjeet Singh, J

1. The present criminal appeal under Section 14 (A) (2) of the SC/ST (Prevention of Atrocities) Act has been filed in connection with FIR

No.395/2020 registered at Police Station Bayana District Bharatpur for the offence under Sections 323, 341, 379, 376-D of IPC and Sections 3(1)(w)

(i), 3(1)(w)(ii), 3(2)(v), 3(2) (va) of SC/ ST (Prevention of Atrocities) Act, 1989 (Amended 2015).

2. Counsel for the appellants submitted that the appellants have been falsely implicated in this matter. Counsel further submitted that the prosecutrix is

a married lady, aged about 40 years and it is a case of consensual sex. Counsel further submitted that the challan has already been presented in this

matter and conclusion of the trial may take long time and the appellants are behind the bars since 19.05.2021. Counsel further submits that due to

pandemic of COVID-19, the trial is not proceeding.

3. Learned Public Prosecutor and counsel for the complainant have opposed the appeal.

4. Considering the material on record and also considering the period of custody and taking into account the facts and circumstances of the present

case and without expressing any opinion on the merits of the case, it would be just and expedient to order the release of the appellants on bail.

5. The order dated 05.04.2021 passed by the learned Special Judge, SC/St (Prevention of Atrocities) Cases, Bharatpur is quashed and set-aside and

this appeal is accordingly allowed. Appellants be admitted to regular bail subject to satisfaction of the trial Court. Office is directed to send a copy of

this order to the concerned trial Court through e-mail/fax, for necessary compliance.