

Adab Hussain Vs State Of Rajasthan And Others

Court: Rajasthan High Court

Date of Decision: Oct. 3, 2023

Acts Referred: Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 3(1)(r)(s), 3(2)(V), 14A

Indian Penal Code, 1860 " Section 34, 307, 323, 324, 341, 354, 506, 509

Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: Manoj Kumar Garg, J

Bench: Single Bench

Advocate: K.C. Panchariya, Javed Gauri, Keshar Singh

Final Decision: Allowed

Judgement

Manoj Kumar Garg, J

The instant appeal has been filed under Section 14-A SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection

with F.I.R. No.252/2023 registered at Police Station Ratanada, District Jodhpur for the offences punishable under Sections 341, 323, 324, 506, 307/34,

509 & 354 of the IPC and Sections 3(1)(r)(s) & 3(2)(V) of the SC/ST (Prevention of Atrocities) Act against the order dated 31.08.2023 passed by

the learned Special Judge, SC/ST Court, Jodhpur, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was

rejected.

Learned counsel for the appellant submits that both the parties received injuries and now the injured persons have already been discharged from the

hospital. There are cross-cases between the parties. The appellant is in judicial custody the trial of the case will take sufficiently long time to be

concluded. Therefore, the benefit of bail should be granted to the accused-appellant. The learned court below has grossly erred in law and facts as

well in declining to release the appellant on bail.

Learned Public Prosecutor and counsel for the complainant have vehemently opposed the prayer for bail.

Heard learned counsel for the parties and also perused the material available on record.

Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this

Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant appeal is allowed. The impugned order dated 31.08.2023 passed by the learned Special Judge, SC/ ST Court, Jodhpur, is set

aside. It is ordered that the accused-appellant, Adab Hussain S/o Shri Sarfaraj Hussain arrested in connection with F.I.R. No.252/2023 registered at

Police Station Ratanada, District Jodhpur shall be released on bail; provided he furnishes a personal bond of Rs. 1,00,000/- and two surety bonds of

Rs. 50,000/- 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.