

**(2024) 06 RAJ CK 0054**

**Rajasthan High Court**

**Case No:** Criminal Appeal (Sb) No. 935 Of 2024

Motnath @ Govind Nath

APPELLANT

Vs

State Of Rajasthan and Anr.

RESPONDENT

**Date of Decision:** June 26, 2024

**Acts Referred:**

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - Section 3(1)(w1), 3(2)(v), 14A
- Indian Penal Code 1860 - Section 376(2)(n), 376-D, 328, 344, 384

**Hon'ble Judges:** Kuldeep Mathur, J

**Bench:** Single Bench

**Advocate:** Kamal Rathore, B.R. Bishnoi, Chail Singh

**Final Decision:** Allowed

### **Judgement**

The instant appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant against the order dated 19.06.2024 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Jodhpur Metro in Cr. Misc. Bail Application No.170/2024, whereby the bail application filed by the appellant, who has been arrested in connection with FIR No.36/2024 registered at Police Station Chakhu, District Phalodi, for offences under Sections 376(2)(n), 376-D, 328, 344, 384 of IPC and Sections 3(1)(w1), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

Learned counsel for the appellant submitted that the prosecutrix who is a mature married woman voluntarily went away with the appellant and remained in his company for more than 15 days out of her own free will and volition. Learned counsel submitted

that on relations between them turning strained, the appellant has been roped in a criminal case by the prosecutrix. Learned counsel submitted that the appellant is in judicial custody and the trial of the case is likely to consume sufficiently long time. On these grounds, he implored the Court to enlarge the appellant on bail.

**Per contra**, learned Public Prosecutor opposed the prayer for bail and submitted that looking to the seriousness of the accusation levelled against the appellant, he does not deserve to be enlarged on bail. However, learned counsel for the complainant submitted that during the pendency of the present appeal the parties have entered into a compromise and decided to settle their disputes amicably in the spirit of '**Lok Adalat**' and therefore, he has no objection in case the appellant is enlarged on bail.

Heard learned counsel for the appellant, learned counsel for the respondent and learned Public Prosecutor. Perused the material available on record.

Having considered the rival submissions, facts and circumstances of the case, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appellant deserves to be enlarged on bail.

Accordingly, the appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is allowed. The order dated 19.06.2024 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Jodhpur Metro is set aside and it is ordered that the accused-appellant- **Motnath @ Govind Nath S/o Rukhnath**, shall be enlarged on bail in connection with FIR No.36/2024 registered at Police Station Chakhu, District Phalodi, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing as and when called upon to so.