HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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S.B. Criminal Miscellaneous Bail Application No. 13766/2020

Kanwaru Ram @ Kanwara Ram S/o Shivdana Ram, Aged About 48 Years, R/o Dhundhiyadi Police Station Bhawanda District Nagaur. (Sub Jail, Merta)

----Petitioner

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s) : Mr. R.S. Choudhary through VC
For Respondent(s) : Mr. Laxman Solanki, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order

05/12/2020

Heard learned counsel for the petitioner on the application seeking conversion of this bail application into an appeal to be filed under the provisions of Section 14-A(2) of SC/ST (Prevention of Atrocities) Act. Learned counsel submits that he has filed the amended cause title which may be taken on record. Learned counsel further submits that he has impleaded the complainant, as respondent No.2 (Smt. Indra W/o Dharma Ram).

Learned Public Prosecutor has no objection.

Hence, the application is allowed and the present bail application is treated to be an appeal under SC/ST Act.

Heard learned counsel for the parties on appeal seeking the benefit of bail.

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As per the statement of the learned Public Prosecutor, despite having been informed about this appeal, nobody has turned up on behalf of the complainant.

The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with FIR No.45/2020 Police Station Bhawanda, District Nagaur, for the offences under Sections 141, 341, 323, 451, 354, 376/511 of I.P.C. and Section 3(1)(r)(s)(w), 3(2)(Va) of the SC/ST (Prevention of Atrocities) Act and Section 7/8 of POCSO Act against the order dated 20.11.2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Merta, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Heard. Perused the material available on record.

It is submitted by learned counsel for the appellant that accused-petitioner has wrongly been implicated in this case; no attempt of rape was made by accused-petitioner.

Thus, having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced and particularly looking to the statements of prosecutrix recorded under Section 164 Cr.P.C., this Court is of the opinion that the appellant deserves to be enlarged on bail.

Consequently, the instant appeal is allowed. The impugned order dated 20.11.2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Merta is set aside. It is ordered that the accused-appellant Kanwaru Ram @ Kanwara Ram S/o Shivdana Ram arrested in connection with F.I.R. No. 45/2020 Police Station Bhawanda, District Nagaur, shall be released on bail; provided he furnishes a personal bond of Rs. 50,000/- and two sureties 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.

RAJASTHAN HIGH COURT

(DEVENDRA KACHHAWAHA),J

46-/rashi/-

सत्यमेव जयते