**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

S.B. Criminal Appeal No. 1050/2020

Mahaveer Mandal S/o Shri Suresh Kumar, Aged About 22 Years, Dharmotola, Police Station Manichowk Bangal, At Present C Gali, Basni, Jodhpur. (Presently Lodged In Central Jail, Jodhpur).

----Appellant

Versus

1. State, Through P.p.
2. Smt. Bharti W/o Jagdish, Aged About 24 Years, 8/l/50 Kudi Bhagtasani Housing Board, Jodhpur.

----Respondents

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| For Appellant(s) | : | Mr. M.S. Rajpurohit, on VC |
| For Respondent(s) | : | Mr. Vikram Sharma, PP<br>Mr. Naman Mohnot, for the complainant, on VC |

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

**Order**

**17/12/2020**

In wake of onslaught of COVID-19, lawyers have been advised to refrain from coming to the Courts.

This criminal appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') has been filed on behalf of the appellant being aggrieved with the order dated 27.11.2020 passed by the learned Special Judge, SC/ST Act Cases, Jodhpur (hereinafter to be referred as 'trial court') in Criminal Misc. Case No.241/2020, whereby the trial court has dismissed the bail application filed on behalf of the appellant.

The appellant has been arrested in FIR No.307/2020 of Police Station, Basni, District Jodhpur for the offences punishable under

Sections 342 & 354 IPC and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act.

Counsel for the appellant submits that the appellant is in custody since about one month.

Counsel for the appellant further submits that the allegations against the present appellant is under Sections 342 & 354 IPC and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act. The date of incident is 12.10.2020 whereas FIR has been lodged on 11.11.2020 after a delay of one month. The prosecutrix is a married lady of 24 years age.

Counsel for the complainant vehemently opposed the appeal on the ground that statement in the case-diary reflects that the incident had happened and in fact the lady could not lodge the complaint in time because she was afraid of loosing her job.

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

The ground of delay in lodging FIR do not induce confidence of Court for continued custody of accused-appellant in the given facts.

Having regard to the totality of the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court deems it just and proper to allow the appeal filed by the accused appellant under Section 14-A of SC/ST Act.

Accordingly, this criminal appeal filed under Section 14-A of SC/ST Act is allowed and the order dated order dated 27.11.2020 passed by the learned Special Judge, SC/ST Act Cases, Jodhpur in Criminal Misc. Case No.241/2020 is set aside.

It is directed that appellant – **Mahaveer Mandal S/o Shri Suresh Kumar** shall be released on bail in connection with FIR

No.307/2020 of Police Station, Basni, District Jodhpur provided he executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(DR.PUSHPENDRA SINGH BHATI),J.**

56-Sanjay/-

RAJASTHAN HIGH COURT

