HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 2561/2024

Ram Prasad Son Of Shri Pushpchand, Aged About 49 Years, Resident Of Bherupada, Ward No. 16, Kaithoon Police Station, Kaithoon, District Kota (Raj.) (At Present Confined In District Jail Kota)

----Appellant

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Manoj Kumar S/o Mannalal, R/o Plot No. 27, Shiv Nagar, Police Line, Nayapura District Kota (Raj)

----Respondents

For Appellant(s)	:	Mr.Pawan Kumar Verma
For Respondent(s)	:	Mr.M. S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

16/12/2024

1. The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved of the order dated 12.08.2024 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Kota (Raj.) in Bail Application CIS No.244/2024 rejecting the bail application preferred on behalf of the appellant, who is in custody in connection with FIR No.156/2024 Police Station Nayapura, District Kota for the offences under Sections 420, 406,323, 341, 504, 506 & 120-B of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act. Later on, police filed charge-sheet in this matter for the offences under Sections 3(1)(r), 3(1)(s) & 3(2)

(va) of SC/ST (Prevention of Atrocities) Act and Sections 420, 406, 504 & 506 of I.P.C.

2. It is contended by learned counsel for the appellant that there was agreement to sell between the parties, but entire payment was not made by the complainant, therefore, the appellant could not clear the bank loan. Counsel further submits that now, after investigation, police has submitted charge-sheet and trial of the case will take considerable time. Appellant is in custody since 30.06.2024 and there is no criminal antecedents. Further custody of the appellant would not serve any fruitful purpose.

3. *Per contra*, learned Public Prosecutor opposes the prayer of bail made in this appeal. He further submits that complainant of this case has duly been informed about hearing of this bail application.

4. Despite information, no one appeared on behalf of the complainant.

5. Heard learned counsel for the appellants, and learned Public Prosecutor. Perused the material available on record.

6. Having regard to the totality of the facts and circumstances; considering the arguments advanced by learned counsel for both the parties especially the fact that after completion of investigation, charge-sheet has been filed and appellant does not have any criminal antecedents, the appellant is in custody since 30.06.2024 and trial will take its own time, but without expressing any opinion on merits/demerits of this case, this Court deems it just and proper to enlarge the appellant on bail.

7. Consequently, the instant appeal is allowed. The impugned order dated 12.08.2024 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Kota (Raj.) is set aside. It is ordered that the accused-appellant- **Ram Prasad S/o Shri Pushpchand** arrested in connection with aforesaid FIR No.156/2024 registered at Police Station Nayapura, District Kota, shall be released on bail, if not wanted in any other case, 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.

(ANIL KUMAR UPMAN),J

Aayush Sharma /311