HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal No. 2634/2024

Omprakash @ Pintu Son Of Bharosilal, Aged About 36 Years, Resident Of Jon Police Station Todabhim District Karauli (Raj)
(At Present Accused Appellant Confined In District Jail Dausa)

----Appellant

Versus

1. State of Rajasthan, through Public Prosecutor
2. Banwari Son of Mahaveer Prasad, Aged About 40 Years, Resident Of Thekda Police Station Mahwa District Dausa (Raj)

----Respondents

For Appellant	:	Mr. Rajeev Kumar Sharma, Adv.
For Respondent	:	Mr. Amit Gupta, PP

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

12/12/2024

1. As per the information supplied by concerned SHO, Police Station Mahuwa, District Dausa, the complainant/victim has already been informed. Despite information, none appears on behalf of the complainant/victim.

2. The present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed by the accused-appellant against the order dated 26.09.2024 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Dausa under Section 483 of B.N.S.S. in connection with FIR No.175/2024, Police Station Mahuwa, District Dausa for the

offences under Sections 143, 341, 323, 325, 307 and 504 of IPC and for the offences under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act, 1989 by which the bail application filed by the accused-appellant has been dismissed.

3. Learned counsel for the accused-appellant submitted that the accused-appellant has been falsely implicated in this case. Learned counsel further submitted that the appellant was arrested on 18.09.2024 and since then, he is behind the bars. Learned counsel also submitted that the charge-sheet has been filed against the appellant and the trial will take long time to conclude.

4. Learned counsel for the accused-appellant contended that in the FIR, charge of attempt to commit murder has also been levelled against the accused-appellant, however, only two injuries were found on the person of the injured, there was no intention to kill the injured as only one injury on the head has been found by the blunt weapon, therefore, the accused-appellant may be enlarged on bail.

4. Learned Public Prosecutor vehemently opposed the accused-appellant's prayer.

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

6. Looking to the facts and circumstances of the case and the fact that the accused-appellant is behind the bars since 18.09.2024; the trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it just and proper to allow this appeal filed by the accused-appellant.

7. Consequently, this appeal is allowed. The impugned order dated 26.09.2024 passed by learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Dausa is set aside. It is ordered that the accused–appellant namely **Omprakash @ Pintu S/o Bharosilal,** arrested in connection with FIR No.175/2024, Police Station Mahuwa, District Dausa shall be released on bail on furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the trial Court.

8. Accused-appellant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J

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