



DATE OF PRONOUNCEMENT :: 14/03/2024

1. Heard. Perused the material available on record.
2. The Criminal Appeal (No.317/2024) has been preferred on behalf of the appellants Darshan Singh and Vikram whereas the Criminal Appeal (No.219/2024) has been preferred on behalf of the appellant Harkesh under Section 14A(2) of the SC/ST (Prevention of Atrocities) Amendment Act 2015 being aggrieved of the orders dated 08.02.2024 & 25.01.2024 respectively passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Karauli in Criminal Misc. Case No.25/24 & 16/2024 rejecting the bail applications preferred on behalf of the respective appellants. The appellants are in custody in connection with the FIR No.384/2023 PS Nadoti, District Gangapur City for offences under Sections 147, 149, 342, 382, 386, 504, 506, 302 and 120B IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act. After completion of investigation, the police has filed chargesheet for offences under Section 147, 149, 342, 386, 504, 506, 302 and 120B IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.
3. It is contended by learned counsel for the appellants that the appellants have falsely been implicated in this case. Learned counsel submit that as a matter of fact, the deceased Rohit had come to the house of the appellants Darshan and Vikram, both sons of Shri Tikam and committed rape upon minor daughter of the appellant Darshan and when she raised hue and cry, he tried to escape from there but he slipped and sustained injuries. It is submitted that in connection with the aforementioned incident,



FIR No.385/2023 was also registered in the same police station for offences under Sections 452, 376, 506 IPC and Section 3/4 of the POCSO Act and during investigation, these offences have been found to be proved against deceased Rahul. It is also contended by learned counsel representing the appellants that as per the statements of the police officers recorded under Section 161 Cr.P.C., it can be gathered that as soon as they reached the place of incident, they found that Rohit was already beaten up by the villagers and thus, there is no eyewitness saying that the appellants were involved in commission of the alleged crime. They thus, contend that the appellants are unnecessarily being harassed whereas actually, daughter of the appellant has been victimized by the deceased, who trespassed into the house of the appellant Darshan.

4. Apart from above, it is vehemently contended by learned counsel representing the appellant Harkesh that he has nothing to do with the alleged incident and merely, he happens to be the neighbour of the appellants Darshan and Vikram, he has been entangled in this case. The FIR has been lodged next day of the incident with concocted and fabricated allegations (afterthoughts) in order to entangle the appellants. It is also argued that the bail application of co-accused Meena has already been accepted by this Court and therefore, these bail appeals also deserve acceptance. They thus, pray that the accused appellants may be enlarged on bail.

5. Per contra, learned Public Prosecutor assisted by learned counsel for the complainant vehemently and fervently oppose the submissions advanced by appellants' counsel. It is contended that



so far as the bail granted to the co-accused Meena is concerned, the bail application was vehemently opposed by prosecution. However, the co-accused Meena was granted bail considering that she is a female and no specific allegation has been levelled against her. Learned Public Prosecutor as well as counsel for the complainant argue that the appellants have committed a very serious offence as they not only caused grave and serious injuries to deceased Rohit by inflicting lathis, sariyas and farsi blows but they also did not allow the police team who reached on the place of incident to take the deceased Rohit to hospital on time. In connection with the aforesaid incident, one other FIR No.383/2023 has also been registered by police department at Police Station Nadoti, Gangapur City for offences under Sections 332 and 353 IPC. It is thus, contended by them that the appellants along with other accused persons have taken law in their hands and threatened the police team in discharging their official duties. Learned counsel for the complainant submits that had the deceased been released from the clutches of the appellants and other accused persons and taken to the hospital in time, his life would have been saved. They thus, pray that the appeals filed by the appellants may be rejected.

6. There are allegations against the appellants that the deceased Rohit was brutally beaten by the appellants and other villagers and he had been held hostage by them. The police team who reached at the place of incident was not allowed to take custody of the deceased Rohit and after a great hardship, the police team could take the custody of the deceased Rohit and took him to the hospital where the doctors declared him dead. This



mob-lynching practice is not acceptable in civilized society at any cost. We are not living in a barbarian society. People are not allowed to take law in their hands so also, they should also not be allowed to create hindrance in working of the police, who in the instant case, reached at the spot but was prevented in discharging their official duties of maintaining law and order situation. The proceedings arising out of FIR lodged by the appellant side against the deceased Rohit for commission of rape upon the minor daughter of appellant would proceed as per law and the appellants cannot be allowed to take shield of said FIR at this stage. The appellant Harkesh is named in the FIR and he was also alleged to have caused beatings to the deceased Rohit in the FIR. There is allegation in the FIR that appellants along with other villagers took law in their hands and committed murder of the deceased Rohit and brushed aside the orders of the police team.

7. Thus, having regard to the totality of the facts and circumstances of the present case and considering the gravity of offences and nature of allegations attributed to the appellants, without commenting anything on the merits of the case, I am not inclined to enlarge the appellants on bail. Consequently, the criminal appeals are dismissed.

(ANIL KUMAR UPMAN),J

Sudhir Asopa/