
(2021) 08 SHI CK 0156

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No.1576 Of 2021

Kali Dass S/O Shri Tek Ram

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 16-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 08 SHI CK 0156

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Yashveer Singh Rathore, Nand Lal Thakur, Ram Lal Thakur, Sunny Dhatwalia

Final Decision : Allowed

Judgement

Anoop Chitkara, J

1. An under-trial prisoner, who is facing trial for committing murder, has come up before this Court under Section 439 of the Code of Criminal

Procedure, 1973 (CrPC), seeking interim bail, on medical grounds.

2. Mr. Nand Lal Thakur, learned Additional Advocate General submits that in case this Court grants interim bail to the petitioner then the Court must specify the date on which the petitioner would surrender.

3. Paragraph 5(A), of the petition reads as follows:

â??5 (A) That the present bail petitioner is in judicial custody for the last ten months and he is not keeping well due to his medical conditions owing to

heart and chest problem. Bail petitioner was admitted at IGMSC Shimla for five days due to chest infection and heart problem. Thereafter, he was

discharged and at present he is in judicial custody. He requires further

investigation pertaining to his medical urgency. In jail there is every possibility of reoccurring of chest infection and same might trigger the heart infection, it is, therefore, humbly prayed that keeping in view health conditions of bail petitioner he may be enlarged on interim-bail for 4 to 6 weeks so that he could get himself thoroughly checked to have proper diagnose. Petitioner is inclined to go to Post Graduate Institute of Medical Education and Research at Chandigarh for his further treatment and requires family support during this time for his well being. Medical record pertaining to his medical conditions is appended with bail petition as Annexure P-1 for the kind perusal of this Honourable Court.â??

4. In the facts and circumstances peculiar to this case, the petitioner makes out a case for release on bail.

5. Given the contention that the petitioner is seriously ill and furthermore that he is apparently not of flight risk, this Court grants him interim bail for a period of six weeks, subject to the conditions mentioned below with outer limit that he must furnish bail bonds well in time and if he fails to furnish the bail bonds in time, still he must surrender before the concerned Jail by 4th October 2021 at 4.00 p.m. latest and that in case he furnishes bail bonds earlier then immediately on the expiry of six weeks. During the period of interim bail, the petitioner shall keep the phone location/GPS always on the â??ONâ?? mode.

6. The petitioner shall be released on bail in the FIR mentioned above, subject to his furnishing a personal bond for surrendering in jail, for Rs.Twenty-five thousand (INR 25,000/-), to the satisfaction of the Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any Ilaqa Magistrate.

7. The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the petitioner along with the phone number(s), WhatsApp number (if any), e-mail (if any), and details of personal bank account(s) (if available).

8. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

9. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

10. There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order from the official web page of this Court and attest it to be a true copy. In case the attesting officer or the Court wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

The petition stands allowed in the terms mentioned above.