

(2023) 03 SHI CK 0071

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 590 Of 2023

Leela Gopal & Another

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 24-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 323, 341, 506

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s)

Citation : (2023) 03 SHI CK 0071

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Narendra Guleria, Jitender Sharma, Baldev Negi, Pushpender Jaswal, Gautam Sood, Karam Chand

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. Status report filed, which is ordered to be taken on record.

By way of this application, filed under Section 439 of the Code of Criminal Procedure, the petitioners have prayed for grant of bail, in FIR No. 35 of 2023, dated 07.03.2023, registered under Sections 341, 323, 506 read with Section 34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station Bhunter, District Kullu, H.P.

2. Learned counsel for the petitioners submits that petitioners have post grant of bail duly joined the investigation.

3. Learned Additional Advocate General, on instructions, submits that the petitioners have duly joined the investigation and as of now no recovery etc. is to be effected from them.

4. Taking into consideration these facts, this petition is allowed and order dated 10.03.2023, passed in FIR No. 35 of 2023, dated 07.03.2023, registered under Sections 341, 323, 506 read with Section 34 of of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station Bhunter, District Kullu, H.P., is made absolute, subject to the following conditions:-

i) Petitioners shall furnish personal bond in the sum of Rs.10,000/- each with one surety in the like amount each to the satisfaction of learned Trial Court, within a period of two weeks from today.

ii) They shall make themselves available for the purpose of interrogation, if so required and regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

iii) They shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.

iv) They shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/themselves from disclosing such facts to the Court or the Police Officer; and

v) They shall not leave the territory of India without prior permission of the Court.

5. It is clarified that the findings which have been returned by this Court while deciding this petition are only for the purpose of adjudication of the present bail application and learned trial Court shall not be influenced by any of the findings so returned by this Court in the adjudication of this petition during the trial of the case. It is further clarified that in case the petitioners do not comply with the conditions which have been imposed upon them while granting the present bail, the State shall be at liberty to approach this Court for the cancellation of the bail. The petition stands disposed of in the above terms.

There would be no need for a certified copy of this order and learned counsel for the parties can download this order alongwith case status from the official web page of this Court and attest it to be a true copy.