

(2021) 03 SHI CK 0134

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 470 Of 2021

Nishant Rampal

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(y)
Indian Penal Code, 1860 — Section 34

Citation : (2021) 03 SHI CK 0134

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Shruti Pundiar, Manohar Lal Sharma, Gaurav Sharma, Dhiraj Singh

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Status report stands filed, wherein it is stated that petitioner has joined investigation and nothing is required to be recovered from him. Investigation is almost complete and his custodial interrogation is not warranted at this stage.

2. Considering the contents of status report as well as submissions of both sides, petitioner is directed to be enlarged on bail in case FIR No. 64 of 2021, dated 27.2.2021, registered under Section 3(1)(r)(y) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 34 of the Indian Penal Code, in Police Station Nalagarh, District Solan, H.P., subject to his furnishing personal bond in the um of Rs.50,000/- with one surety in the like amount to the satisfaction of trial Court within two weeks from today and also subject to the following conditions:-

(i) That the petitioner shall make himself available to the police or any other Investigating Agency or Court in the present case as and when required;

(ii) that he shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;

(iii) that he shall not obstruct the smooth progress of the investigation/trial;

(iv) that he shall not commit the offence similar to the offence to which he is accused or suspected;

(v) that he shall not misuse his liberty in any manner;

(vi) that he shall not jump over the bail;

(vii) that he shall keep on informing about the change in address, landline number and/or mobile number, if any, for his availability to Police and/or during trial;

(viii) he shall not leave India without permission of the Court.

3. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the petitioner as deemed necessary in the facts and circumstances of the case and in the interest of justice and thereupon, it will also be open to the trial Court to impose any other or further condition on the petitioner as it may deem necessary in the interest of justice.

4. In case the petitioner violates any conditions imposed upon him, his bail shall be liable to be cancelled. In such eventuality, prosecution may approach the competent Court of law for cancellation of bail, in accordance with law.

5. Learned trial Court is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc. Instructions/93-IV.7139 dated 18.03.2013.

6. Observations made in this petition hereinbefore shall not affect the merits of the case in any manner and are strictly confined for the disposal of the bail application.

7. The petitioner is permitted to produce copy of order downloaded from the High Court website and the trial Court shall not insist for certified copy of the order, however, he may verify the order from the High Court website or otherwise.

The petition stands disposed of in the aforesaid terms. Dasti copy on usual terms.