

(2021) 10 SHI CK 0032

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 1913 Of 2021

Nitu S/O Sh. Chet Ram

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 20-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376(2)(n)

Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2021) 10 SHI CK 0032

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Vishal Panwar, Adarsh Sharma, Sanjeev Sood, Kamal Kant Chandel

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. ASI Kamla Devi, IO Women Police Station Mandi, District Mandi, H.P. present with case record.

2. Heard.

3. On instructions, Mr. Kamal Kant Chandel, learned Deputy Advocate General submits that petitioner has joined the investigation as and when directed by the Investigating Officer. Further, as of now, no recovery etc. is to be effected at his instance. However, as per him, grant of anticipatory bail, is not warranted in the facts of the case.

4. I have heard learned Counsel for the parties and also gone through the status report.

5. It is not in dispute that after the grant of bail, the petitioner has duly participated in the course of investigation and has not created any hindrance in the same. It is further not the allegation of the prosecution that in the interregnum, post grant of anticipatory bail, the petitioner has either tried to

influence any witness or has created any other impediment in the course of the investigation.

6. Therefore, keeping into consideration the fact that the investigation is now complete, this petition is allowed and order dated 30.09.2021, passed in FIR No. 0030/2021, dated 26.09.2021, registered under Section 376(2)(n) of the Indian Penal Code and Section 6 of the POSCO Act at Women Police Station, Bhiuli, Mandi, District Mandi, H.P. is made absolute, however, subject to the following conditions:-

? Petitioner shall furnish personal bond in the sum of ` 20,000/-with one surety in the like amount to the satisfaction of the learned Trial Court within a period of two weeks from today.

? He shall make himself 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;

? He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.

? He shall not 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 the Court or the Police Officer; and

? He shall not leave the territory of India without prior permission of the Court.

7. It is clarified that findings, which have been returned by this Court while deciding this petition are only for the purpose of adjudication of the present bail petition and learned trial Court shall not be influenced, in any manner whatsoever, by any of the findings so returned by this Court in the adjudication of this petition, during the course of trial of the case. It is further clarified that in case the petitioner does not comply with the conditions which have been imposed upon her while granting the present bail, the State shall be at liberty to approach this Court for the cancellation of the bail. Petition stands disposed of in the above terms.

Copy dasti.