
(2014) 05 SHI CK 0142
In the High Court Of Himachal Pradesh
Case No : Cr.MP(M) No.: 600 of 2014

Pradeep Kumar

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 22-05-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 332, 353, 506

Citation : (2014) 05 SHI CK 0142

Hon'ble Judges : Dharam Chand Chaudhary, J

Bench : Single Bench

Advocate : Satyen Vaidya and Mr. Vivek Sharma, Advocate for the Appellant;
D.S. Nainta and Mr. Virender Verma, Additional Advocate Generals, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Dharam Chand Chaudhary, J.—Learned Additional Advocate General has placed on record the status report and Investigating Officer, ASI Ram Gopal of Police Station, Chopal, District Shimla, has produced the record.

2. Heard.

3. Complainant is working as a peon-cum-water carrier in Govt. Primary School, Jodna, Tehsil Chopal, District Shimla. According to her, on 29th April, 2014 around 12 noon, she was called by the Headmaster of the school, where the accused-petitioner was already present. The moment she reached in the school, the accused-petitioner started hurling abuses to her and also gave beatings. The Headmaster of the school Shri Ravinder Thakur intervened and saved her from the accused-petitioner. The occurrence, according to her, was witnessed by Champa Devi, Sunita Devi and Kaushlya Devi. The accused-petitioner allegedly threatened her to do away with her life.

4. Investigation has been conducted in this case and the accused-petitioner has also been interrogated. His version seems to be that there was a fair in village

Jodna and he had given sweets to the complainant for being distributed amongst the children of the school and the staff. On inquiry he made later on, it transpired that she did not serve the sweets to the children in the school. In view of the position, so emerges on record, nothing can be said at this stage qua the manner in which the occurrence, as per the version of the complainant, has taken place. The accused petitioner is a local resident of village Jodna, Tehsil Chopal, District Shimla. Therefore, there is no apprehension of his fleeing away from justice. The investigation in the case is in progress. The accused-petitioner is willing to join interrogation as and when required to do so. Even this Court is also satisfied qua his availability for the purpose of further interrogation, if required by the police.

5. Therefore, having regard to the given facts and circumstances, this application is allowed. Consequently, it is ordered that in the event of arrest of the accused-petitioner in connection with the case registered against him under Sections 353, 332 and 506 IPC, vide FIR No. 21/2014 in Police Station Chopal, District Shimla, he shall be released on bail subject to his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Arresting Police Officer/Investigating Officer and shall abide by further conditions that:

He shall;

(a) make himself available for the purpose of interrogation as and when required and shall co-operate with the Investigating Officer to conduct the investigation in a manner so as to take it to its logical end;

(b) not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

(c) not make any inducement, threat or promises 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

(d) not leave the territory of India without the prior permission of the Court.

6. It is clarified that if the petitioner misuses the liberty or violates any of the conditions imposed upon him, the investigating agency shall be free to move this Court for cancellation of the bail.

7. The observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this petition alone.

The application stands accordingly disposed of.

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