
(2011) 02 SHI CK 0092
In the High Court Of Himachal Pradesh
Case No : Cr.MP (M) No. 23 of 2011

Sohan Lal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 08-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Prevention of Corruption Act, 1988 — Section 13(2)

Citation : (2011) 02 SHI CK 0092

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The Petitioner, who is accused of commission of offence u/s 13(1)(d)(ii) read with Section 13(2) of the Prevention of Corruption Act in respect of case FIR No. 2/11, dated 13.01.2011 of Police Station SV & AC Bureau, Mandi (H.P.), has filed the present petition u/s 439 of the Code of Criminal Procedure for grant of bail on the usual averments that he is innocent and has been falsely implicated in this case. It is averred that in case he is admitted to bail, he shall abide by the conditions which may be imposed by this Court.

2. The prayer for bail is opposed on behalf of the Respondent-State on the grounds that investigation is in initial stage, the accused has committed a serious offence, he is a public servant and it is not his duty to accept bribe from poor people in lieu of government work, the quality of life of ordinary citizen has deteriorated due to corruption, which has assumed the proportions of cancer and is eating into the vitals of Indian democracy, the white collar crime does not affect one individual but affects whole society, the accused may threaten the complainant and witnesses and thus hamper investigation.

3. It is alleged that the Petitioner, who at the relevant time was working as Patwari in Patwar Circle, Chhatter, Tehsil Sundernagar, District Mandi, demanded and accepted illegal gratification of ` 2000/- from the complainant, Shri Parma

Ram, for entering mutation in respect of private partition of land belonging to the family of the complainant and during such act he was caught red handed in a trap laid by the Vigilance Police on 13.01.2011. On being produced before the learned Presiding Officer, Fast Track Court, Mandi, he was remanded to judicial custody and is presently lodged in Sub Jail, Mandi, Himachal Pradesh.

4. After noticing brief facts of the case, the contentions raised on behalf of the parties and going through the investigation record and without going into an elaborate discussion of the same so as to obviate the possibility of any prejudice being caused to either case on behalf of the parties and taking into consideration the fact that the investigation is almost complete except that statements of some official police witnesses are yet to be recorded, I am satisfied that it shall not be unsafe to admit the Petitioner to bail subject to imposition of suitable conditions as he is to stand trial for the offence alleged against him in due course of time.

5. In view of the above, the petition is allowed. Consequently, the applicant/Petitioner is ordered to be released on bail in this case on his furnishing personal bond in the sum of ` 25000/- with one surety in the like amount to the satisfaction of the learned Special Judge(I)/(II)/Presiding Officer, Fast Track Court/Chief Judicial Magistrate, Mandi, Himachal Pradesh. However, the bail shall be subject to the following conditions:

(1) That the Petitioner shall join further investigation as and when called upon to do so;

(2) shall not either tamper with the prosecution evidence or hamper investigation in any manner, whatsoever;

(3) shall make himself available to face trial as and when the same commences;

(4) shall maintain peace and be of good behaviour during investigation and trial of the case against him;

(5) 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 from disclosing such facts to the court or to any police officer; and

(6) shall not leave India without prior permission of the trial court.

6. The petition stands disposed of in the above terms. Investigation record returned.