

20.01.2007

Present: Mr.Adarsh Sharma, Advocate, for the petitioner.

Mr.Ashutosh Burathoki, Additional Advocate General, for the respondent-State.

**Cr.M.P.(M) No.23 of 2007.**

I have heard learned counsel for the parties and have gone through the record.

The challan has still not been filed and the petitioner has been in custody for more than 60 days. There is no likelihood of the challan being filed in the next 2 or 3 months.

The custodial interrogation of the petitioner is not required and I do not see any justification as to why he will be detained in judicial custody. It is, therefore, ordered that the petitioner shall be released on his furnishing personal bonds in the sum of Rs.20,000/- with one surety of the like amount, undertaking to appear before the police as also the learned trial Court. The surety bonds shall be furnished to the satisfaction of any Judicial Magistrate at Shimla.

Learned Additional Advocate General submits that some conditions should be imposed on the petitioner to ensure that he does not abscond and that he will be available at the time when the challan is put up. This prayer is reasonable. I, therefore, direct that the petitioner shall report to the Station House Officer, Police Station, Boileuganj, Shimla, after every 2<sup>-1/2</sup> months. The first such visit will be made by the petitioner on **31<sup>st</sup> March, 2007** and after 2<sup>-1/2</sup> months subsequently thereto. In the bond, which is to be furnished, the petitioner will undertake that he will be present before the learned

trial Court or before the Investigating Officer as and when directed. He will not tamper with the prosecution witnesses nor influence or terrorize any witness.

The application is, accordingly, disposed of.

***Dasti*** copy on usual terms.

**January 20, 2007**  
**(aks)**

**(Dev Darshan Sud)**  
**Vacation Judge.**