

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P(M) No. 33 of 2009.

Date of decision: 30.1.2009

Bega Ram vs

.....Petitioner.

Vs.

State of H.P.

.... Respondent.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting? No

For the petitioner : Mr. Manohar Lal Sharma, Advocate,

For the Respondent : Mr. A.K. Bansal, Addl. Advocate General.

Kuldip Singh, Judge (oral).

This is an application under Section 438 Cr.P.C. for releasing the petitioner on pre-arrest bail in FIR No.2/09 registered on 2.1.2009 at Police Station, Karsog, under Sections 341,504, 506 IPC etc. The status report has been filed.

2. Heard and perused the record.

3. It has been submitted on behalf of the petitioner that the petitioner has been falsely implicated in the case. In view of the registration of the case the petitioner is apprehending his arrest in FIR No.2/09 registered at Police Station, Karsog. The petitioner is ready to join investigation and furnish bail bonds as per directions of this Court. No recovery is to be made from the petitioner who is permanent resident of village Tikkar, Tehsil Karsog. The custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case.

4. The application has been opposed by the learned Addl. Advocate General. I have perused the status report. It does not emerge from the status report that the prosecution has serious objection against the grant of bail to the petitioner. It has not been elaborated in the status report how the petitioner has defamed the complainant Tula Ram by calling him a member of schedule cast community. It has been stated that the petitioner was arrested but released on bail in view of the court order. No recovery is to be made from the petitioner who is permanent resident of village Tikkar , Tehsil Karsog. In the facts and circumstances of the case the petitioner has made out a case for grant of bail. Accordingly, application is allowed and the petitioner in the event of arrest in FIR No.2/09 registered on 2.1.2009 at Police Station, Karsog is directed to be released on bail on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of Arresting Officer. The petitioner shall continue to join the investigation as and when called by the Investigating Officer and he shall not influence the prosecution witness in any manner.

Copy Dasti on usual terms

**(Kuldip Singh)
Judge**

**January 30, 2009
(sks)**