

Cr.MP (M) No.928 of 2009

30.10.2009 Present: Mr. Bimal Gupta, counsel for the petitioner.

Mrs. Subh Mahajan, Dy. Advocate General along with Mr. J.S. Guleria, Asstt. Advocate General for the respondent.

The petitioner had joined during investigation as directed by the Court. A perusal of the record shows that the alleged rape was committed by the petitioner on the night intervening 11/10 and 12/10, 2009 at about 11.30 P.M. The prosecutrix's husband, as per the police report, reached the house in the morning at 3.00 A.M. though the report was lodged with the Police at 5.15 P.M. on 12.10.2009. As per the FIR, the distance between the Police Station and the place of occurrence is 35 KMs.

A copy of daily diary has been placed on record, a perusal of which shows that a report was lodged with the police in regard to some occurrence which had taken place in the morning of 11-10-2009 in which the petitioner Daya Ram had lodged a report against the husband of the prosecutrix Dhanbir Singh and two other persons in which some beatings had been given to the petitioner and a threat was also given. The said report was lodged at 2.15 P.M. on 12.10.2009.

Keeping in view the facts and circumstances of the case and the fact that the prosecutrix was a married woman, I am of the opinion that the petitioner is entitled to be released on bail.

Accordingly, the application is allowed. In the event of arrest of the petitioner, he shall be released on bail on his furnishing personal bond in the sum of Rs.10,000/-, with one surety in the like amount, to

the satisfaction of the Investigating Officer concerned/SHO, Police Station, Shillai, Distt. Sirmour, H.P. The petitioner is also directed to join investigation as and when required by the police.

Copy **Dasti.**

October 30, 2009.
(SDS)

(V.K. Ahuja), J.