

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MP(M) No.: 404 of 2019**

**Date of Decision: 30.04.2019**

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Ishan @ Bittu .....Petitioner.

Vs.

State of Himachal Pradesh .....Respondent.

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***Coram:***

***The Hon'ble Mr. Justice Ajay Mohan Goel, Judge***

***Whether approved for reporting?<sup>1</sup> No.***

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For the petitioner: Mr. Ramakant Sharma, Senior Advocate,  
with Ms. Devyani Sharma, Advocate.

For the respondent: Mr. Dinesh Thakur, Additional Advocate  
General, with M/s R.P. Singh and Amit  
Dhumal, Deputy Advocate Generals.

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***Ajay Mohan Goel, Judge (Oral):***

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 10 of 2019, dated 15.02.2019, registered under Sections 363,366 and 120-B of the Indian Penal Code and Section 17 of POCSO Act at Women Police Station, Baddi, District Solan, H.P.

2. While issuing notice on 19.03.2019, the arrest of the petitioner was stayed subject to the conditions imposed therein, as also his participating in the course of investigation.

3. Learned Additional Advocate General, on instructions, submits that the petitioner is participating in the course of investigation

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<sup>1</sup> Whether the reporters of the local papers may be allowed to see the Judgment?

and as of now, his custody is not required for the purpose of investigation. This Court has also been informed that two co-accused have already been granted permanent bail by this Court.

4. In view of the above, this petition is allowed and order dated 19.03.2019 is made absolute, subject to the following conditions:

*“i) Petitioner shall make himself available for the purpose of interrogation, if so required and regularly attend the Trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;*

*ii) He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.*

*iii) He shall not make any inducement, threat or promise 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*

*iv) He shall not leave the territory of India without prior permission of the Court.”*

5. It is clarified that findings which have been returned by this Court while deciding this petition are only for the purpose of adjudication of the present bail application and learned Trial Court shall not be influenced by any of the findings so returned by this Court in the

adjudication of this petition during the trial of the case. It is further clarified that in case the petitioner does not comply with the conditions which have been imposed upon him while granting the present bail, the State shall be at liberty to approach this Court for cancellation of the bail. The petition stands disposed of in the above terms.

**(Ajay Mohan Goel)**  
**Judge**

**April 30, 2019**  
*(bhupender)*