

(2024:HHC:12851)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr.MP(M) No.2407 of 2024 a/w
connected matters**

Date of Decision : 30.11.2024

Cr. MP(M) No.2407 of 2024

Pushpa Devi Petitioner
Versus

State of Himachal Pradesh Respondent

Cr. MP(M) No.2408 of 2024

Nirmala Petitioner
Versus

State of Himachal Pradesh Respondent

Cr. MP(M) No.2409 of 2024

Chinto Devi Petitioner
Versus

State of Himachal Pradesh Respondent

Cr. MP(M) No.2410 of 2024

Salochna Petitioner
Versus

State of Himachal Pradesh Respondent

Cr. MP(M) No.2411 of 2024

Reenu Devi Petitioner
Versus

State of Himachal Pradesh Respondent

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Cr. MP(M) No.2412 of 2024

Swarno Devi Petitioner
Versus

State of Himachal Pradesh Respondent

Cr. MP(M) No.2413 of 2024

Anita Petitioner
Versus

State of Himachal Pradesh Respondent

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

*Whether approved for reporting?*¹

For the petitioner(s) : Mr. Bunesh Pal, Advocate.

For the Respondent : Mr. B.N. Sharma, Additional Advocate General.

Bipin Chander Negi, Judge (oral)

ASI Anil Kumar, Police Station, Majra, District Sirmour, Himachal Pradesh, is present along with record. Status report stands filed.

The same is taken on record. Copy, whereof, has been supplied to learned counsel for the petitioners.

2. Heard learned counsel for the parties and perused the status report.

3. All these bails petitions arise out of the same FIR, therefore, they are taken up together for consideration.

¹

Whether reporters of Local Papers may be allowed to see the judgment?

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4. Brief facts giving rise to the present case are that the complainant, in the case at hand, one Ritu Devi who belongs to the scheduled caste category, lodged a complaint with the Police Station on 12.10.2024 alleging therein that in the morning of 12.10.2024 at about 7:40 a.m., when she had gone to the local temple at Khera, she had been stopped on the stairs of the temple by the bail petitioners. Post stopping, she had been pushed and thrown out of the temple on account of the fact that she belong to the scheduled caste category.

5. On the basis of the above complaint, FIR was got registered. Interim bail had been granted to the petitioners on 28.10.2024. In pursuance whereof, bail petitioners have been participating and cooperating in the investigation.

6. During investigation, except bald statement of the complainant, i.e., Smt. Ritu Devi, there is no other independent witness who has corroborated the alleged incident dated 12.10.2024 which had occurred at about 7:40 a.m., when the informant/complainant had visited the temple at Khera from where she had been pushed and thrown out. Since there exist no CCTV camera in the temple, therefore, there is no electronic evidence also, in the case at hand.

7. Other than the aforesaid, learned counsel for the petitioners submits that *inter se* the parties there exist several disputes qua ownership and possession of the lands which are contiguous. There are also other criminal disputes pending *inter se* the parties. In the aforesaid

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circumstances, foisting of a false case by the informant upon the bail petitioners cannot be ruled out at this stage.

8. Personal liberty of an individual needs to be protected and an individual is presumed to be innocent till found guilty. Subjecting an individual to custody prior to trial in the present circumstances is not justified. As far as, the allegations made against the petitioners in the case at hand are concerned, they would face trial. In the case at hand, insofar as the petitioners are concerned, there is no possibility of flight risk involved and neither do they have criminal antecedents.

9. Accordingly, present petition is allowed and petitioners are directed to be enlarged on bail and interim bail granted on **28.10.2024** is confirmed. The bail is granted subject to the conditions enumerated hereinafter, so as to ensure the presence of petitioners/accused at the time of trial:

- (a) *They shall make themselves 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;*
- (b) *They shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
- (c) *They shall not make any inducement, threat or promises 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*
- (d) *They shall not leave the territory of India without the prior permission of the Court.*

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10. It is clarified that if the petitioners misuse the liberty or violates any of the conditions imposed upon them, the Investigating Agency shall be free to move this Court for cancellation of the bail.

11. Any observations made herein above shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this petition alone. The petition stands accordingly disposed of.

(Bipin Chander Negi)
Judge

November 30, 2024 (ks)