

# Satish vs State Of Himachal Pradesh on 22 July, 2016

**Author: Tarlok Singh Chauhan**

**Bench: Tarlok Singh Chauhan**

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA Cr.M.P.(M) No. 787 of 2016.

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Date of decision: 22.7.2016

Satish.

Versus

...Petition

State of Himachal Pradesh.

...Respond

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

of Whether approved for reporting?1No.

For the Petitioner:

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Mr.B.S. Chauhan, Senior Advocate with  
Mr.Munish Thakur, Advocate.

For the Respondent:

Ms.Meenakshi Sharma, Additiona

Advocate General with Mr.J.S. Guleria, Assistant Advocate General.

Mr. Neel Kanth, ASI, PO. Nauradhar present in person with records.

Tarlok Singh Chauhan J. (oral) The petitioner has sought regular bail in case FIR No. 5 of 2016, dated 15.1.2016, registered at police Station Sangarh, Tehsil Rajgarh, District Sirmour, H.P. under Sections 452, 376, 323, 34 IPC read with Section 3(1)

(xi) and (xii) of SC/ST Act.

2. Even on the last date of hearing the allegations against the petitioner appeared to be improbable in as much as he along with his son was alleged to have sexually assaulted the prosecutrix by taking turns, but was not granted bail, because the learned Assistant Advocate General informed that DNA profile was awaited.

3. Today, the respondent has produced the records of investigation and has also filed status report, which clearly indicates that the DNA profile has not matched with the petitioner. In this view of the matter, this is a fit case, where the discretion of grant of bail should be exercised.

Whether the reporters of the local papers may be allowed to see the Judgment? Yes

4. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail in case FIR No. 5 of 2016, dated 15.1.2016, registered .

at police Station Sangarh, Tehsil Rajgarh, District Sirmour, H.P. under Sections 452, 376, 323, 34 IPC read with Section 3(1) (xi) and (xii) of SC/ST Act, on his furnishing personal bond in the sum of `50,000/- with one surety of the like amount to the satisfaction of Judicial Magistrate Ist Class, Rajgarh, of District Sirmour, H.P., with the following conditions:-

(i) that the petitioner shall not, directly or indirectly, make any rt inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(ii) that the petitioner shall not tamper with the prosecution evidence or threaten the witnesses;

(iii) that the petitioner shall make himself available for interrogation by the police officer as and when required.

(iv) that the petitioner shall not misuse his liberty in any manner.

5. Learned Judicial Magistrate Rajgarh is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc.

Instructions/93-IV.7139 dated 18.03.2013.

6. Any observation made hereinabove shall not be taken as an expression of opinion on the merits of the case and the trial Court shall decide the matter uninfluenced by any observation made hereinabove.

Petition stands disposed of.

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(Tarlok Singh Chauhan), Judge.

22nd July, 2016 (KRS)