

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1120 of 2016**

Vikramaditya Singh Judeo, Aged About 40 years, S/o Late
Shri Upendra Singh Judeo, R/o Bhagalpur, Jashpur Nagar,
District-Jashpur, Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh Through–Station House Officer,
Police Station Kotwali, Jashpur Nagar, District-Jashpur,
Chhattisgarh

---Non-applicant

For Applicant	:	Mr. Kishore Bhaduri, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.79/2015, registered at Police Station-City Kotwali, District-Jashpur (CG), for the offence punishable under Sections 294, 323, 506 and 307 of the IPC.

2. Case of the prosecution, in brief, is that complainant

Shashi Kumar Gupta contending that while Barmeshwar Gupta, brother of FIR lodger, was instructing the construction worker in his land and at that point of time the applicant appeared on the spot and abused Barmeshwar Gupta with filthy language and intimidated him. Besides this they manhandled Barmeshwar Gupta by using criminal force on him. It was further stated that looking to the injuries of Barmeshwar Gupta, the applicant fled away from the spot with his companions in his Sports Utility vehicle Pajero and while fleeing away he dashed said Barmeshwar Gupta with an intent to kill him, by which the victim suffered multiple injuries, which were sufficient to cause his death and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is one of the next kin of the royal family of Judeo's at Jashpur and has multiple immovable properties in his name including agricultural land and some land has been sold to victim Barmeshwar Gupta by registered sale deed dated 20.7.2007. The victim after

purchase of the land so sold to him started constructing the boundarywall, which exceeded the area of the land so sold by the applicant and therefore, the applicant directed the complainant not to make construction and on account of which, false complaint has been made, in which he is in jail since 15.10.2015, charge-sheet has already been filed, no further interrogation of the applicant is required and alleged injuries suffered are simple in nature. He would also submit that the applicant is ready to abide by conditions, if any, imposed by this Court while granting bail to him, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant wanted to kill victim Barmeshwar Gupta that is why he has run down the vehicle over him, by which he suffered multiple injuries including the injuries on his head and eyes and there is loss of vision in the eye side of victim Barmeshwar Gupta. He would further submit that the victim remain hospitalized for eleven days and still he is seriously unwell and undergoing treatment and if bail is granted, again he will be involved in criminal activities as the

applicant has criminal antecedents.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, taking into transaction of land between the victim and the applicant, further taking into consideration the nature of dispute between the parties, nature of injuries, period of hospitalization of the victim, the fact that charge-sheet has already been filed, taking the pre-trial detention in mind that the applicant is in jail since 15.10.2015 and no further custodial interrogation is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed and he shall abide by all the following terms and conditions:-

- (i) that the accused/applicant shall not, directly or indirectly, 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 to any police officer;
- (ii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iii) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial unless exempted; and
- (iv) that the applicant will not temper any witnesses/documents and will not involve in like nature of offence.
- (v) In case of violation of such conditions, the

State is at liberty to make an application for
cancellation of bail.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-