

Vinkal Chhabra vs The State Of Uttar Pradesh on 28 January, 2020

Bench: L. Nageswara Rao, Deepak Gupta

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ITEM NO.16

COURT NO.9

SECTION II

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s).2710/20

(Arising out of impugned final judgment and order dated 07-08-2018 in CRMB No.29517/2018 passed by the High Court Of Judicature At Allahabad)

VINKAL CHHABRA

Petition

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(With applns for exemption from filing O.T, permission to file additional documents)

Date : 28-01-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Parijat Kishore, AOR
Mr. Nischal Gupta, Adv.

For Respondent(s)

Mr. Adbhut Pathak, AOR

Mr. Vishnu Shankar Jain, AOR
Mr. Ram Shiromani Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner is an accused in a case registered under Section 302 IPC read with Section 34 and 109

I.P.C. The High Court granted bail to the petitioner which was set aside by an order dated 23.04.2018. Later the application for bail filed by the petitioner was rejected by the High Court by an order dated 07.08.2018 against which the above Special Leave Petition is filed.

We are informed that the trial has commenced and the investigating officer is being examined. We are also informed that the petitioner is in custody for the past 2 ½ years. The learned counsel for the petitioner submitted that 8 accused have already been released on bail. He further submitted that the petitioner's name was not mentioned in the FIR and he was implicated on the statement of A-1.

The learned counsel appearing for the State and respondent No.2 submitted that the petitioner has misused the bail that was granted to him and has threatened the witnesses. The learned counsel also submitted that respondent No.2-Radha Agarwal submitted material showing the involvement of the petitioner before the Court on the basis of which an investigation under Section 173 of the Code of Criminal Procedure was ordered. They opposed grant of bail to the petitioner.

Taking into account the fact that the material witnesses have been examined and that the petitioner has been in jail for the past 2 ½ years, apart from the fact that almost all the accused have already been released on bail, we direct release of the petitioner on bail subject to the satisfaction of the trial court.

We direct the petitioner to stay outside Agra and not make any attempt to either contact or influence the 2nd respondent or any other witnesses who may be recalled for giving evidence. If it comes to the notice of the 2nd respondent that the petitioner is found to be violating the order, the 2nd respondent, is at liberty to move to the High Court for revocation of the bail.

The Special Leave Petition is accordingly, disposed of. Pending applications, if any, stand disposed of.

(B.Parvathi)
Court Master

(Kapil Sharma)
Court Master