

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.559 OF 2014
(Arising out of S.L.P.(Crl.) No.2424 of 2012)

Pradeep Gupta

Appellant(s)

VERSUS

State of Chhattisgarh & Anr.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant-accused.

Despite service of notice, none appears for the respondents.

It is brought to our notice that the appellant along with others, charged for the offences punishable under Sections 147 and 307 I.P.C. and Section 25 of the Arms Act.

The learned Trial Judge on consideration of materials, including the appellant's illness, granted bail on 4th November, 2009. The said order was challenged before the High Court by the complainant, the respondent No.2 herein. By the impugned order dated 13th March, 2012, the High Court allowed the petition filed by the complainant and set aside the order granting bail to the appellant.

We were taken through the initial orders dated 14th October, 2009 and 4th November, 2009, passed by the learned Trial Judge, as well as the reasonings in the impugned order of the High Court.

Taking note of the fact that the appellant was in custody for a period of one month and the bail was cancelled by the High Court nearly after a period of three years, we are not in agreement with the reasoning adduced by the High Court. Taking note of the allegations of the prosecution case, as is evident from the order of the Trial Court dated 14th October, 2009, and the subsequent order dated 4th November, 2009, we are unable to accept the reasonings of the High Court.

Accordingly, the impugned order dated 13th March, 2012, is set aside. The order passed by the Trial Court on 4th November, 2009, is restored and the appeal is allowed.

(P. SATHASIVAM)

.....CJI.

