

Parvendra Vs. State of Uttarakhand

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Court : Uttaranchal

Decided On : Sep-01-2011

Judge : Dharam Veer, J.

Acts : Indian Penal Code (IPC) - Section 449; The Arms Act - Section 25

Appeal No. : BA1--796/2010

Appellant : Parvendra

Respondent : State of Uttarakhand

Advocate for Pet/Ap. : Mr. Lalit Sharma

Judgement :

1. Heard Mr. Lalit Sharma, learned counsel for the applicant and Mr. Amit Bhatt, Additional Government Advocate for the State. In brief, the prosecution story is that on 31.7.2010/1.8.2010 at about 12 in the midnight, the applicant accused Parvendra, who was posted as Artisan Grade IV in BHEL, reached in the residential house of Sri S.K. Das, General Manager, situated at House No.36, Type V, Sector-5B inside the BHEL Campus. On the same night at about 11 PM, earlier the applicant-accused gave abuses to S.K. Das on telephone, who tried to make him understand. But when the applicant-accused did not convince, he disconnected the phone.

2. After 20-25 minutes at about 12 in the midnight, the applicant-accused jumped from the main gate and entered in his house and started knocking his door. On this, wife of Sri S.K. Das came on the door and asked him to come tomorrow as Sri S.K. Das was sleeping. But the applicant-accused did not listen her and started hurling abuses. Thereafter, Sri S.K. Das came and he also asked him to come tomorrow but the applicant-accused did not get convince and he threatened to kill him. The applicant-accused was having a pistol in his hand due to which Sri S.K. Das got afraid and he along with his wife went in the upper bedroom and closed the door.

3. There upon, the applicant-accused reached in the upper bedroom and tried to break the door. Wife of Sri S.K. Das raised noise for their rescue from the window, at which, their neighbourers came out from their houses and they informed about the incident in the police control room. Thereafter, the police reached at the spot and arrested the applicant-accused along with pistol and taken him in the police station. With these averments, SHO Sri Vijay Kumar lodged a FIR at P.S. Ranipur, District Haridwar. It is also stated in the FIR, that on the night of incident, Sri S.K. Das and his family were in shock and when they recovered a bit from the same, they also got lodged a report of the same incident in the police station on 3.8.2010.

4. Learned counsel for the applicant-accused argued that the applicant had made complaints against S.K. Das regarding financial irregularities being committed by him due to which S.K. Das became annoyed and as a counter blast he got lodged the present FIR in collusion with the police against him. Contrary to this, learned Addl. GA has argued that the on the date of incident in the midnight the applicant-accused was entered into the house of Sri S.K. Das, hurled abuses to him and also tried to kill him.

5. On the information given by the people of the vicinity, the police reached and the applicant-accused was caught red-handed on the spot along with a pistol. Keeping in view all the aforementioned facts and circumstances and the fact that the applicant-accused, on the night of incident, entered into the house of Sri S.K. Das and hurled filthy abuses to him and also tried to kill him and that he was armed with pistol, I am of the view no case for bail is made out.

6. The bail application is rejected accordingly.

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