

Court No. - 68

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 214 of 2022

Applicant :- Lata

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prashant Sharma, Pankaj Sharma

Counsel for Opposite Party :- G.A., Rahul Kumar Sharma

Hon'ble Dr. Gautam Chowdhary, J.

1. The instant bail cancellation application has been moved on behalf of the informant for cancelling the bail granted to the accused-opposite party nos.2 in Case Crime No.201 of 2021 under Sections 354A, 354C, 376D, 506, I.P.C., and Section 3/4 of POCSO Act, Police Station Kotwali Hathras, District Hathras.

2. List revised. None appears to press this bail cancellation application either on behalf of the applicant or on behalf of the opposite party no.2 although the names of learned counsel for the parties have been shown in the cause list.

3. However, I have gone through the pleadings, grounds as also reliefs sought in the present bail cancellation application. Perusal of the record shows that the trial has already commenced wherein, the statements of P.W.1 and P.W.2 have been recorded. It has also been averred in paragraph no.15 of the affidavit accompanying the bail cancellation application that the trial was going on and was not concluded in the meantime, the accused-opposite party no.2 had filed second bail application before the learned Court below on irrelevant grounds, which has been allowed vide order dated 29.04.2022, thereafter the instant bail application has been filed in the month of May 2022 which is pending consideration since then and that more than one and a half years have lapsed, thus it appears that the cause of action no more survives or the applicant has lost interest in this matter or it has otherwise become infructuous and, probably for this reason, none is interested in the matter to be decided and that is why, counsel for applicant as well as counsel for the opposite party no.2 are absent.

4. After perusing the order impugned as well as pleadings of the instant case, this Court is of the opinion, that learned counsel for the applicant could not point out any good ground for cancelling

the bail granted to the opposite party no.2 in exercise of powers conferred under 439 (2) Cr.P.C.

5. Accordingly, the relief as sought by the applicant is refused.
6. The bail cancellation application is accordingly, dismissed.
7. Office is directed to communicate the order passed by this Court to the concerned Court below.

Order Date :- 16.10.2023

S.Ali