

**Court No. - 68**

**Case :-** CRIMINAL MISC. BAIL CANCELLATION  
APPLICATION No. - 261 of 2022

**Applicant :-** Smt. Renu

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Sanjay Mishra

**Counsel for Opposite Party :-** G.A.,Kuldeep Singh Yadav

**Hon'ble Dr. Gautam Chowdhary,J.**

1. List revised. None appears on behalf of the accused-opposite party no.2. Heard learned counsel for the informant-applicant, learned A.G.A. for the State and perused the material on record.
2. The instant bail cancellation application has been moved on behalf of the informant for cancelling the bail granted to the accused-opposite party no.2 in Case Crime No.158 of 2022 under Sections 376D, 328, 313, 506 I.P.C., Police Station Civil Line District Etawah.
3. Learned counsel for the applicant submits that learned Court below while granting bail to the accused-opposite party no.2 has not considered the merit of the case as well as without considering the statements of the victim recorded under Section 161 and 164 Cr.P.C. and therefore the bail granted to the accused-opposite party no.2 is liable to be cancelled.
4. Learned A.G.A. submits that there is no illegality in perversity in the order impugned which may call for any interference by this Court in exercise of powers conferred under Section 439 (2) Cr.P.C.
5. After hearing the learned counsel for the parties and after

perusing the averments made in the present bail cancellation application this Court is of the opinion that learned counsel for the applicant could not point out any good ground for cancelling the bail of the accused-opposite party no.2, thus is made out.

6. Accordingly the prayer for cancelling the bail application is refused.

7. At this stage, learned counsel for the applicant submits that the accused-opposite party no.2 is threatening the applicant for dire consequences.

8. Learned A.G.A. submits that the informant has a remedy available under the Witness Protection Scheme Scheme, 2018 and thus the instant bail cancellation application may be disposed of in the light of protection granted to the witnesses under the Witness Protection Scheme, 2018.

9. In view of the submissions made by learned A.G.A., this Court is of the opinion, that the applicant has remedy available to him under Witness Protection Scheme, 2018, which scheme has been approved by Hon'ble Apex Court in Mahender Chawla and others Vs. Union of India reported in (2019) 14 SCC 615.

10. Accordingly, present bail cancellation application is disposed of with a direction, in case, the informant-applicant moves appropriate application on the proforma prescribed in the Witness Protection Scheme 2018 alongwith a certified copy of this order for redressal of his grievances, as raised in the instant bail cancellation application, before the competent authority as has been defined under Section 2 (c) of the Witness Protection Scheme, 2018 within a week from today, same shall be considered and decided as expeditiously as possible, preferably within a period of one month from date of filing such application, strictly in

accordance with the Witness Protection Scheme 2018.

**Order Date :-** 13.10.2023

S.Ali