

Neutral Citation No. - 2023:AHC:238922

Reserved on 13.12.2023

Delivered on 16.12.2023

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION

No. - 232 of 2020

Applicant :- Sonu

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

Counsel for Applicant :- R.B. Pal

Counsel for Opposite Party :- G.A.,Gaurav Tripathi

Hon'ble Siddharth,J.

Heard Sri R. B. Pal, learned counsel for the applicant, Sri Gaurav Tripathi, learned counsel for opposite party no.2 and Sri G. N. Kanaujiya, learned AGA-1 for the State.

This Criminal Misc. Bail Cancellation Application has been filed praying for cancellation of the bail order dated 20.09.2019 passed in Criminal Misc. Bail Application No. 28750/2019 in case crime No 76 of 2019, under Section 498A, 304B IPC and $\frac{3}{4}$ of D.P. Act.

Learned counsel for the applicant submits that opposite party no. 2 is father-in-law of deceased sister of the applicant. He is posted in U.P. Police as Driver. After being released on bail opposite party no. 2 threatened the applicant and witness, Veerbhan Singh, who is real uncle of the applicant, for entering into compromise in this case. Opposite party no. 2 allegedly alongwith other persons fired upon the witness, Veerbhan Singh, when he was on morning walk alongwith his wife on 20.08.2020. FIR dated 28.08.2020 was lodged under sections 307, 506 IPC in this regard. He has misused the bail granted to him. His bail may be cancelled by this Court.

Learned counsel for opposite party no. 2, Sri Gaurav Tripathi, has vehemently opposed the bail cancellation application. He has submitted that opposite party no. 2 never threatened any witnesses and the FIR was lodged only to make out ground for cancellation of bail of opposite party

no.2. He has submitted that to the best of his knowledge final report has been submitted regarding that FIR lodged against opposite party no. 2.

Learned counsel for the applicant has submitted that although final report was submitted in the case under Section 307, 506 IPC, but protest petition has been filed by the applicant's side and it has not been decided. Opposite party no. 2 is not appearing before the court below.

After hearing the learned counsel for the parties, this Court finds that applicant was enlarged on bail on 20.09.2019. None of the parties brought on record status of trial. Regarding the case allegedly filed for threatening the witness final report has been submitted. Therefore, at this stage there is nothing against opposite party No. 2 warranting cancellation of bail granted to him.

Bail cancellation application is without merit and it is hereby, rejected.

Order Date :- 16.12.2023

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