

Court No. - 70

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 403 of 2022

Applicant :- Gulabi Devi @ Suneeta

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

Counsel for Applicant :- Kailash Nath

Counsel for Opposite Party :- G.A., Shailendra Kumar Singh

Hon'ble Sameer Jain, J.

1. Counter affidavit filed today on behalf of opposite party no.2 is taken on record.

2. Heard Sri Kailash Nath, learned counsel for the applicant, Sri Shailendra Kumar Singh, learned counsel for the informant and Sri L.K. Maurya, learned A.G.A. for the State.

3. The instant bail cancellation application has been filed with the prayer to cancel the bail granted to the opposite party no.2 by this Court vide order dated 18.02.2022 in Case Crime No. 05 of 2022 under sections 302, 201 IPC, Police Station Jafarabad, District Jaunpur.

4. Learned counsel for the applicant submits that applicant is the informant of the case and he has filed the instant bail cancellation application with the prayer to cancel the bail granted to the opposite party no.2 by this Court on the ground that bail was obtained by opposite party no.2 by misleading the Court. He further submits that at the time of hearing of the bail application, correct and complete facts were not placed before the Court and, therefore, by playing fraud and concealment, bail order was obtained, therefore, the instant bail cancellation application may be allowed.

5. Per contra, learned A.G.A. as well as learned counsel for opposite party no.2 opposed the prayer for cancellation of bail and submit that by a very detailed order, this Court granted bail to the opposite party no.2 on 18.02.2022 and from the record, it is reflected that learned counsel for opposite party no.2, at the time of hearing of bail application, placed the entire material available on record. It is further submitted that this Bench is not sitting as appellate court over the Co-ordinate Bench which granted bail to

the opposite party no.2 and, therefore, this Bench cannot cancel the bail granted by Co-ordinate Bench of this Court. It is further submitted that if the applicant was having any grievance against the order passed by this Court then he should approach the Apex Court.

6. I have heard all sides and perused the record.

7. This is bail cancellation application filed on behalf of the applicant who is the informant of the case. From perusal of the bail cancellation application, it appears that in para 19 thereof, applicant has taken a plea that opposite party no.2 mislead the Court by not disclosing the statements and call details and in para 17, in a very vague manner, it has been averred that opposite party no.2, after obtaining bail, has tried to tamper with the evidence. In my considered view, the grounds taken by the applicant in para 17 and 19 are not enough to cancel the bail granted to the opposite party no.2.

8. The law is settled that it is easy to reject a bail application but it is very difficult to cancel the bail already granted and for cancellation of bail, very cogent and overwhelming reasons must be present on record which, in my view, are totally missing in the instant application.

9. Thus, the instant bail cancellation application is devoid of merits and, is hereby, ***dismissed***.

Order Date :- 13.10.2023

Madhurima