

Court No. - 44

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 607 of 2023

Applicant :- Samida Khan

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

Counsel for Applicant :- Sunil Kumar Dubey

Counsel for Opposite Party :- G.A., Aanjaneya Dwivedi, Aditya Narayan Shukla

Hon'ble Pankaj Bhatia, J.

1. The present application has been seeking cancellation of bail granted by this Court vide order dated 16.08.2023.
2. The Counsel for the applicant argues that the bail application of the co-accused Ibne was rejected by this Court vide order dated 15.12.2022. While doing so, the Court had taken into consideration the fact that a 70 years old retired Sub-Inspector was murdered and the said murdered was captured by CCTV footage. He argues that the bail application of the accused was rejected vide order dated 15.12.2022, however, this Court was not apprised of the bail rejection order, when the bail was granted by this Court through the order dated 16.08.2023.
3. In the light of the abovesaid, it is argued by the Counsel for the applicant that the bail has been obtained by not disclosing the entire facts and thus, the bail granted by this Court should be cancelled.
4. The Counsel for the accused is also present.
5. In view of the submissions made at the bar and on perusal of the order granting bail on 16.08.2023, it is revealed that this Court was impressed by the fact that the custody of the applicant is continued for a term of five years and that was one of the criteria for the Court to exercise its discretion for granting the bail, even today there is no material to suggest that the applicant being enlarged on bail, has misused the liberty of bail and it is also stated that out of 14 witnesses proposed to be examined, only four witnesses have been examined, thus, there is no likelihood of trial being

concluded near future.

5. The Counsel for the applicant further argues that the fact witnesses have already been examined.

6. In view of the aforesaid statement, it is further evident that the applicant, who has been enlarged on bail, cannot have any adverse effect of the trial, thus, for all the reasons recorded above, the arguments raised by the counsel for the applicant merits rejection.

7. Accordingly, the application filed for cancelling the bail is ***rejected***.

Order Date :- 8.11.2023

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