

Court No. - 70

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 675 of 2023

Applicant :- Ram Ratti

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

Counsel for Applicant :- Vishal Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Shri Vishal Agarwal, learned counsel for the applicant and Shri Jhamman Ram, learned A.G.A. for the State-respondent.
2. The instant bail cancellation application has been filed seeking cancellation of the bail granting order of opposite party no.2 dated 22.03.2022 passed by a Co-ordinate Bench of this Court in Case Crime No.172 of 2020, under Sections 376-D, 419, 420, 467, 468, 471, 406, 387, 120-B IPC, Police Station Khiri, District Prayagraj, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that applicant is the informant of the case and he moved the instant bail cancellation application on the ground that after release on bail, opposite party no.2 is continuously harassing him and on 30.07.2023, he alongwith his other associates made assault upon him and in this regard, he also lodged an F.I.R. against the opposite party no.2 and others on 01.08.2023, under Sections 147, 452, 323, 448, 506 I.P.C. He further submits that investigation in this case is still pending. He further submitted that even after that in the month of September, 2023 when applicant was going to give evidence in the present matter then also opposite party no.2 threatened him and pressurizes him to compromise the matter and in this regard on 26.09.2023, applicant moved an application to Police

Commissioner. He further submits that opposite party no.2 is misusing the liberty of bail granted to him, therefore, bail granted to him be cancelled.

4. Per contra; learned A.G.A. for the State-respondent opposed the prayer for cancellation of bail and submitted although on the application moved by applicant, an F.I.R. was lodged against opposite party no.2 and others but in spite of the fact that as per the allegation, opposite party no.2 and his associates made assault upon the applicant but there is no medical report of any of them on record and therefore, it would not be appropriate to cancel the bail already granted to opposite party no.2 on such allegation and if the Court after accepting the contention of the applicant cancel the bail of opposite party no.2, then this Court will open pandora box and unlimited litigation will start and therefore, the instant bail cancellation application is devoid of merit and is liable to be dismissed.

5. I have heard learned counsel for both the parties and perused the record of the case.

6. The instant bail cancellation application has been moved by the applicant, who is informant of the case against opposite party no.2 on the ground that after release on bail, opposite party no.2 is continuously harassing the applicant and pressurizes him for compromise and from the record, it reflects that on 01.08.2023, an FIR was also lodged by the applicant against the opposite party no.2 and others and as per the F.I.R. dated 01.08.2023, on 30.07.2023 the opposite party no.2 and his associates badly assaulted the applicant and others but surprisingly in spite of the allegation of assault, there is no medical report of the applicant or any other on record and when this Court made specific query in this regard from learned counsel for the applicant then he clearly

conceded that there is no medical report either of applicant or any other on record, therefore, I find force in the argument advanced by learned A.G.A. that merely on the basis of F.I.R. and application moved by applicant, the bail granted to opposite party no.2 should not be cancelled.

7. Law is settled that it is easy to reject a bail application but it is very difficult to cancel a bail already granted and for cancellation of bail, very cogent and overwhelming reasons must be available on record, which in my considered view is missing in the present matter.

8. Therefore, considering the facts and circumstances of the case, discussed above, in my considered view, the instant bail cancellation application is devoid of merit and is accordingly **dismissed.**

Order Date :- 18.10.2023

Zafar