

Court No. - 70

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 739 of 2023

Applicant :- Arshad

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

Counsel for Applicant :- Irshad Saleem

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Sameer Khan, Advocate, holding brief of Sri Irshad Saleem, learned counsel for the applicant and Sri Suresh Bahadur Singh, learned AGA for the State-respondent.

2. The instant application has been filed seeking set aside the bail granted to O.P. No. 2 vide order dated 30.06.2021 passed by the court concerned in Bail Application No. 1274 of 2021 arising out of case crime no. 188 of 2021, under Sections 304, 323, 504 IPC, P.S.- Noorpur, District- Bijnor.

3. Learned counsel for the applicant submitted that this is the bail cancellation application and applicant is the informant of the case. He further submitted that as O.P. No. 2 after released on bail is threatening the applicant and misused the liberty of bail granted to him, therefore, applicant filed the instant bail cancellation application. He further submitted that O.P. No. 2 was released on bail by the court concerned on 30.06.2021 and on 08.07.2021, applicant lodged a FIR against him under Sections 323, 504, 506 IPC and after investigation, in the matter charge sheet has been filed and entire document has been annexed as Annexure No. 5 to the affidavit and, therefore, bail granted to O.P. No. 2 be cancelled.

4. Learned AGA also submitted that after released on bail on 30.06.2021, O.P. No. 2 threatened the applicant on 06.07.2021 and, therefore, it appears that he misused the liberty of bail granted to him.

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

6. From perusal of the record, it appears that the instant bail cancellation application has been moved on the ground that on

06.07.2021 i.e. about two years before, after released on bail O.P. No. 2 threatened the applicant i.e. informant of the case and thus he misused the the liberty of bail granted to him. The allegation of misuse of liberty of bail is staled one about two years' old and there is no allegation that after July, 2021, O.P. No. 2 ever threatened the applicant, therefore, I am not inclined to cancel the bail already granted to O.P. No. 2 on such stale allegation of threatening.

7. In view of the above, the instant bail cancellation application is devoid of merits and is accordingly, ***dismissed***.

Order Date :- 17.11.2023

KK Patel