

Court No. - 70

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 704 of 2023

Applicant :- Vimla Devi

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

Counsel for Applicant :- Amit Kumar Singh, Vikash Chandra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ms. Nushra Siddqui, Advocate holding brief of Sri Vikash Chandra Tiwari, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State-respondent.

2. The instant application has been filed to cancel the bail of opposite party no. 2 granted by the co-ordinate Bench of this Court vide order dated 20.5.2019 in Case Crime No. 30 of 2018, under Sections 328, 302 IPC, Police Station Machhalishahar, District Jaunpur, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that this is the bail cancellation application and applicant is the informant of the case and after released on bail by this Court, opposite party no. 2 is continuously harassing the applicant for compromise, therefore, applicant had to move the instant application for cancellation of bail of opposite party no. 2.

4. She further submitted that applicant who is informant of the case moved application in this regard to higher authorities on 2.7.2023 and on 16.7.2023 also she made complaint on the portal of the police department. She further submits, as opposite party no. 2 misused the liberty of bail granted to him, therefore, the bail granted to him be cancelled.

5. Learned AGA also submitted that from perusal of the annexure Nos. 6 and 7 filed alongwith the instant application, it appears that applicant who is informant of the case moved application before higher authorities with regard to the threat and pressure of the opposite party no. 2 upon the informant i.e. applicant.

6. I have heard learned counsel for the parties and perused the

record of the case.

7. Although from the record it appears that applicant who is informant of the case moved an application to the police authorities that after released on bail opposite party no. 2 is continuously threatening her for compromise but, in my view, it is not sufficient for cancellation of bail.

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

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

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 1.11.2023

Ankita