

Court No. - 69

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 711 of 2023

Applicant :- Sunita Jaiswal @ Soni

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

Counsel for Applicant :- Krishna Murari Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Krishna Murari Tripathi, learned counsel for the applicant and Sri Ajay Singh, learned A.G.A.-I for the State and perused the material on record.

3. This bail cancellation application under Section 439 (2) of Code of Criminal Procedure has been filed for cancellation of bail granted to the opposite party no.2- Arvind Jaiswal vide order dated 15.09.2023 passed by the Additional Sessions Judge / Fast Track Court- First, Chandauli in Criminal Misc. Bail Application No. 1347 of 2023 (Arvind Jaiswal @ Golu vs. State of U.P.) arising out of Case Crime No. 0085 of 2023, under Sections 376 (2) (n), 506 I.P.C., Police Station Dhina, District Chandauli.

4.The present bail cancellation application has been filed on the ground that the accused-opposite party no.2 is threatening the victim due to which she is unable to go to the trial court to give her testimony. An application dated 16.10.2023 sent by registered post to the Superintendent of Police, Chandauli is being placed before the Court to buttress the said argument. A photocopy of the postal receipt and a photocopy of the said application is annexed as Annexure-5 to the affidavit. It is argued that as such there is misuse of the bail granted to the opposite party no.2.

5. Learned counsel for the State has been heard.

6. After having heard learned counsel for the parties and perusing the record, it is evident that the bail cancellation application has been filed on the ground that the accused is threatening the victim due to which she is unable to go to the district court. In situation like this, there is already a scheme provided by the State Government which takes adequate care and provides provision for adequate protection of a witness of the trial. The said scheme is Witness Protection Scheme. There

is nothing on record to show that the applicant who is the victim of the matter has filed any application in the said scheme for her protection. The said scheme is for the protection of the witness of the trial.

7. In view of the same, since the witness has not moved any application under the Witness Protection Scheme which, if moved, could have been properly dealt with, this Court does not find any good ground to interfere in the present bail cancellation application, hence the bail cancellation application is accordingly, **rejected**.

Order Date :- 3.11.2023

AS Rathore

(Samit Gopal,J.)