

Court No. - 70

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 614 of 2022

Applicant :- Anil Singh

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Ardhendu Prakash Mani Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri A.P. Mani Tripathi, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.

2. The instant application has been filed seeking set aside the bail granted to O.P. No. 2 vide Criminal Misc.Bail Application No. 46725 of 2021 in Case Crime No. 38 of 2021, under Sections 302, 307, 504, 506 IPC, P.S.- Bhaluani, District- Deoria.

3. Learned counsel for the applicant submitted that this is the bail cancellation application and applicant is the informant of the case and this Court granted bail to O.P. No. 2 on 19.01.2022 and after released on bail, O.P. No. 2 is continuously threatening the applicant i.e. informant of the case and in this regard, on 30.03.2022 applicant had moved an application to higher authorities and as O.P. No. 2 after released on bail misused the liberty of bail granted to him and he is continuously threatening the applicant, therefore, bail granted to him be cancelled.

4. Per contra, learned AGA opposed the prayer for bail cancellation and submitted that if on the ground taken by the applicant, bail granted to O.P. No. 2 be cancelled by this Court then this Court will open pendora box and endless litigation will be started and therefore, instant bail cancellation application should be dismissed.

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

6. From the record, it reflects that the instant bail cancellation application has been moved on the sole ground that after released on bail, O.P. No. 2 is continuously threatening the applicant i.e. informant of the case and in this regard, on 30.03.2022 applicant

i.e. informant of the case had also moved an application against O.P. No. 2 before higher authorities of police but I find force in the argument advanced by learned AGA that merely on the basis of such allegation of threatening, the bail granted to accused cannot be cancelled and if this Court accepts the contention raised by the counsel for the applicant then this Court will open Pandora's box.

7. Further, the allegation of threatening is of March, 2022 and since then more than one and half years have been passed and there is no allegation that in the meantime O.P. No. 2 threatened the applicant i.e. informant of the case.

8. Law is settled that it is easy to reject a bail application but it is very difficult to cancel bail already granted to the accused and for cancellation of bail, very cogent and over-whelming reasons must be present on record but in the present matter, I do not find any such cogent and over-whelming reason, on the basis of which bail granted to O.P. No. 2 may be cancelled.

9. Therefore, in my view, the instant bail cancellation application is devoid of merits and is accordingly, ***dismissed***.

Order Date :- 17.10.2023

KK Patel