

**Court No. - 70**

**Case :- CRIMINAL MISC. BAIL CANCELLATION**  
**APPLICATION No. - 768 of 2023**

**Applicant :- Smt Bhuri Devi**

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

**Counsel for Applicant :- Ken Singh**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Sameer Jain,J.**

1. Heard Sri Ken Singh, learned counsel for the applicant and Sri Pradeep Kumar, learned AGA for the State.

2. The instant bail cancellation application has been filed to cancel the bail of opposite party no. 2 granted by Sessions Judge, Agra vide order dated 3.10.2023 in Case Crime No. 175 of 2023, under Sections 376D, 506 IPC, Police Station Khergarh, District Agra.

3. Learned counsel for the applicant submits that applicant is informant of the case and she filed instant bail cancellation application on the ground that court concerned has wrongly granted bail to opposite party no. 2 in the present matter and after being released on bail, opposite party no. 2 is harassing her.

4. He further submits that it is a case of gang rape and by ignoring the statement of the victim i.e. applicant, court concerned granted bail to opposite party no. 2 which was not permissible in the eye of law.

5. He further submits that even after release on bail, opposite party no. 2 has threatened the applicant and therefore she moved the application to higher authorities, which has been annexed as annexure 3 to the affidavit filed in support of the bail cancellation application. He further submits that opposite party no. 2 has misused the liberty of bail granted to him and court concerned

wrongly granted bail to him. Therefore the bail granted to opposite party no. 2 be cancelled.

6. Learned AGA also submitted that it is a serious offence of gang rape but in spite of that bail was granted by the court concerned and Opposite party no. 2 also threatened the applicant to compromise the matter.

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

8. The instant bail cancellation application has been moved by the applicant i.e. informant of the case on the ground that court concerned has wrongly granted bail to opposite party no. 2 in heinous offence like gang rape and further after release on bail, opposite party no. 2 is threatening her. From the bail granting order dated 3.10.2023 which has been annexed as annexure 2 to the affidavit, it appears that it is a well reasoned order and after considering entire fact of the case, court concerned granted bail to the opposite party no. 2.

9. Further, however from annexure 3 to the affidavit, it appears that applicant i.e. informant of the case moved applications to President of India and Human Rights Commission, New Delhi on 21.10.2023 and as per her application, on 21.10.2023 at about 8:00 A.M. in the morning O.P. No. 2 and four unknown persons abused her and threatened her to withdraw the case but from perusal of both the applications, it appears that, it is based on vague facts and merely on the basis of such application prima facie it cannot be said that opposite party no. 2 misused the liberty of bail granted to him.

10. Law is settled that it is easy to reject a bail application but it is very difficult to cancel the bail already granted and for

cancellation of bail overwhelming and cogent reasons are necessary, which in my view are completely missing.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view, the instant bail cancellation application is devoid of merits and is accordingly dismissed.

**Order Date :- 28.11.2023**

Aiman