

Court No. - 15

Case :- CRIMINAL APPEAL No. - 649 of 2023

Appellant :- Rajesh Sonkar

Respondent :- State Of U.P. Thru. Its Prin. Secy. Home Deptt. Lko. And 2 Others

Counsel for Appellant :- Ajeet Kumar Singh

Counsel for Respondent :- G.A., Ashish Raman Mishra

Hon'ble Shamim Ahmed,J.

List revised. None appears on behalf of accused/ opposite party Nos. 2 and 3 in opposition.

Heard Sri Ajeet Kumar Singh, learned counsel for the appellant and Sri Ashok Kumar Srivastava, the learned A.G.A. for the State and perused the record.

The appellant/applicant, Rajesh Sonkar, has moved the present application seeking cancellation of bail granted to the accused/ opposite party Nos. 2 and 3, namely, Chandra Prakash @ Bauwa and Raghvendra Yadav, who were granted bail vide order dated 09.02.2023 passed by the court below in Second Bail Application No. 775/2023 and 776/2023 respectively, arising out of Case Crime No. 09/2023, under Sections 147, 148, 149, 307, 379, 427, 325, 323, 504, 506 I.P.C., Section 3 (2) (v) SC/ST Act and Section 7 Criminal Law Amendment Act, Police Station Indira Nagar, Lucknow.

I have also perused the bail order dated 09.02.2023 passed by the court below in Second Bail Application No. 775/2023 and 776/2023.

Learned A.G.A. also states that there appears no good ground averred in the affidavit filed in support of the bail cancellation application for interference by this Court to cancel the bail order of the accused/ opposite party Nos. 2 and 3.

This bail cancellation application moved on behalf of the injured is nothing but an abuse of process of law, whereas the complainant has not come forward for rejection of the bail application, which shows that the injured wants to blackmail the persons, who have already been granted bail by the court below after due consideration the entire evidence which shows the intention of the persons who have nothing to do with the alleged incident, even though the injuries were also not certified, thus this court does not find any justification to cancel

the bail order granted by the court below. The court below has considered the entire evidencem, the injury report as well as the averment made in the F.I.R. and the statement of all the witness recorded under Section 161 Cr.P.C. and granted bail to the accused persons opposite party Nos.2 and 3. The counsel also did not able to demonstrate the court that any of the condition has been violated by the accused/opposite party Nos. 2 and 3, which has been imposed by the court below.

I do not find any good ground in the affidavit filed in support of bail cancellation application to interfere in the case for cancellation of the bail order granted to the accused/ opposite party Nos. 2 and 3.

In view of above, this Court is of the view that the present bail cancellation application is devoid of merit, and is liable to be rejected.

Accordingly, the present bail cancellation application is **rejected.**

Order Date :- 23.11.2023

Arvind