

Court No. - 16

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 139 of 2023

Applicant :- Utkarsh Kohli

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Govt. Civil Sectr. Lko. And Another

Counsel for Applicant :- Yash Bharadwaj

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Yash Bharadwaj, learned counsel for the applicant, Sri Anurag Verma, learned A.G.A.-I for the State and perused the records.
2. This is an application seeking cancellation of anticipatory bail granted to opposite party No.2 vide order dated 09.08.2023.
3. Initially, opposite party No.2 was granted interim anticipatory bail by means of the order dated 09.02.2023. The application was allowed after opposite parties therein had filed counter affidavit and rejoinder affidavit was also filed on behalf of the applicant therein.
4. The applicant has sought cancellation of the order dated 09.08.2023 as it records a statement made by learned counsel for opposite party No.2 that bail bonds had been furnished in furtherance of the interim order dated 09.02.2023, which according to the learned counsel for the applicant, was false.
5. Learned counsel for the applicant has submitted that the aforesaid submission was made fraudulently and the fraud vitiates the most solemn proceedings of the Court. Learned counsel for the applicant has stated that the statement in question was made by Sri Anil Kumar Tripathi, Advocate and he has committed a fraud.
6. This is an application seeking cancellation of the anticipatory bail and the interim anticipatory bail was granted to the applicant by means of a reasoned order, which was confirmed after inviting counter

affidavit from the State and the informant and hearing submissions of the opposite parties. The order makes a mention of the statement made by the learned counsel for the applicant therein that bail bonds had been submitted, which submission is not said to have been made on the instruction given by opposite party No.2.

7. Aforesaid facts do not give rise to a ground for cancellation of the order dated 09.08.2023 passed by this court. Therefore, this application for cancellation of anticipatory bail, is hereby ***rejected***. In case the applicant is aggrieved by the alleged misconduct of the learned counsel for opposite party No.2 in making a false statement, the applicant is free to take recourse to the remedies available to him under law.

(Subhash Vidyarthi, J.)

Order Date :- 7.12.2023
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