

Court No. - 16

Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 146 of 2023

Applicant :- Chandra Shekhar

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

Counsel for Applicant :- Narendra Kumar, Upendra Kumar
Sagar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Upendra Kumar Sagar, the learned counsel for the applicant, Sri Abhishek Kumar Singh, the learned counsel for the State and perused the records.

2. This application has been filed seeking cancellation of an order dated 24.07.2023, passed by this court in Criminal Misc. Anticipatory Bail Application No.1117 of 2022, whereby the opposite party no.2 has been granted anticipatory bail.

3. The opposite party no.2 was granted interim anticipatory bail by means of an order dated 12.05.2023 and notice was issued to the applicant. The applicant chose not to file any counter affidavit. After passing of the aforesaid order the applicant filed F.I.R. No.327 of 2023 alleging that the opposite party no.2 threatened him on 06.10.2023.

4. The learned counsel for the applicant has submitted that the applicant had filed a counter affidavit and it is wrongly narrated in the order dated 24.07.2023 that no counter has been filed.

5. Upon this statement having been made by the learned counsel for the applicant the court got the status of the case

checked through the Bench Secretary whether no counter affidavit had been filed prior to passing of the order dated 24.07.2023 and this court had recorded a wrong fact and the Bench Secretary informed after checking the status on the portal of the High Court that no counter affidavit had been filed till passing of the order.

6. The learned counsel for the applicant next submitted that the counter affidavit was filed subsequently and it was listed on 25.07.2023 i.e. after decision of the anticipatory bail application.

7. Prima facie, it appears that the applicant had failed to avail the opportunity of opposing the anticipatory bail application by filing a counter affidavit. He has lodged an F.I.R. so as to give rise to a ground for cancellation of anticipatory bail. The F.I.R. does not make a mention of any injury suffered by any person or incident alleged was witnessed by any person.

8. Keeping in view the aforesaid facts and circumstances, this court is not inclined to grant any indulgence to the applicant and to cancel the order dated 24.07.2023, passed in Criminal Misc. Anticipatory Bail Application No.1117 of 2023. The application is accordingly **rejected**.

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(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023

Ram.