

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 682 of 2014**

1. Mahesh Singh Chouhan S/o S/O. Late Firta Singh Aged About 45 years R/O. Vill. Silhati, P.S. Bodla, Civil & Rev. Distt. Kabirdham (C.G.)

---- Petitioner/Complainant**Versus**

1. State Of Chhattisgarh & Anr. Through: The P.S. Bodla, Distt. Kabirdham (C.G.)
2. Bhuwan Prasad Dubey S/o Lakhan Lal Dubey Aged About 45 Years R/O. Vill. Silhari (Correct Vil. Silhati), P.S. Bodla, Distt. Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dashrath Prajapati with Mr. Abhishek Pandey, Advocate.
For Respondent No.1/State:	:	Mr. Satish Gupta, G.A.
For Respondent No.2	:	Mr. Ratnesh Agrawal, Advocate

Hon'ble Shri Justice Inder Singh Uboweja]**Order On Board****27/03/2015**

Challenge in this petition is to the order dated 21.05.2014 passed by this Court in M.Cr.C.No. 2269/2014 whereby respondent No.2 has been granted bail.

2. Learned counsel for the petitioner submits that the petitioner was not arrayed in bail petition as party-respondent. After release on bail, respondent No.2 started issuing threats to kill the family members and respondent No.2 being an habitual offender may assault them to conceal the evidence. He further submits that a complaint was made against respondent No.2 on 14.06.2014 before the Superintendent of Police, Kabirdham. Lastly, he submits that if the bail granted to respondent No.2 vide order dated 21.05.2014 is not cancelled, then respondent No.2 may assault the family members and may commit heinous offence.

3. On the other hand, counsel for respondent No.2 supported the impugned order.
4. I have heard learned counsel for the parties.
5. Having perused the petition, I am of the opinion that this petition has no substance since there is no document to show that the petitioner lodged an F.I.R. before the Police Station concerned regarding alleged heinous acts committed by respondent No.2 against the petitioner and his family members, there is no specific allegation about issuance of threat by respondent No.2 to the petitioner and his family members and no report has been lodged before the Police Station concerned in that regard and no complaint case has been filed before the Court of Magistrate so that this Court could believe that respondent No.2 commits such heinous acts. Therefore, the alleged threat issued by respondent No.2 to the petitioner and his family members is presumptive and not actual.
6. Consequently, the Cr.M.P. being devoid of merit and substance, is liable to be and is hereby dismissed.

JUDGE