

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 520 of 2016

- Ku.Meena Verma D/o Ramkrishna Verma Aged About 25 Years R/o Village - Soram, Post - Darbar Mokhali, P.S. Utai, Distt. Durg Chhattisgarh --- **Petitioner**

Versus

1. Sanjeet Netam S/o Revaram Netam Aged About 26 Years R/o Village - Soram, Block - Patan, P.S. Utai, Distt. Durg Chhattisgarh
2. State of Chhattisgarh Through : The District Magistrate Durg Chhattisgarh --- **Respondents**

For the applicant	:	Mrs. Madhunisha Singh, Advocate
For Respondent No.1	:	Mr. P.R. Patankar, Advocate
For the State/Resp. 2	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.10.2016

1. This is a petition filed u/s 439(2) of the Code of Criminal Procedure for cancellation of anticipatory bail. Respondent No.1 was granted bail by this Court on 22.02.2016 in connection with Crime No. 421 of 2015 for the offences punishable u/ss 376 & 506 IPC.
2. The present petition has been filed on 02.05.2016 for cancellation of bail stating that the respondent accused and his family members are continuously harassing the petitioner/victim to compromise and withdraw the criminal complaint filed against respondent No.1 and they have also threatened to life of petitioner. It is also contended that the accused is blackmailing the petitioner to upload the video and her photographs on the inter-net. It is further contended that respondent no.1 had directly and indirectly threatened

the petitioner and her family members which violates the terms and conditions of the bail order passed by this Court on 22.2.2016 in M.Cr.C.(A) 132 of 2016, therefore, the prayer is made to cancel the bail.

3. Per contra, counsel for respondent No.1 opposes the petition. He would submit that the prosecutrix has been examined before the trial Court on 27.07.2016 which continued on 28.07.2016 and nothing was stated during her examination before the Court that the accused respondent has extended threat to the life of petitioner and her family members or the witness was influenced by the accused in any way.
4. Learned State Counsel also submits that the prosecutrix has been examined before the Court and the certified copy of the statement of prosecutrix has been placed on record wherein she has not whispered about the alleged threats being received by her and the prosecutrix having been examined, no question of threat at this stage would arise as the statement has already been recorded.
5. Perused the order dated 22.2.2016 whereby the bail was allowed to accused Senjeet Netam, respondent No.1 herein and the condition was also imposed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
6. Thereafter, as it appears from the record, the charge sheet has been filed against respondent No.1 and the petitioner has been examined. The certified copy of the statement which is placed on record would reveal that the petitioner has made her statement before the trial Court and the

examination of the prosecutrix initially commenced on 27.7.2016 which further continued for cross examination on 28.07.2016 whereon detailed examination and cross examination of the petitioner were made.

7. Taking into fact that the victim was examined at a length before the Court below wherein no whisper has been made about the alleged threats, it is difficult to accept the submission of the petitioner at this stage that she was being influenced to give such evidence. Had there been any influence it was for the petitioner to make such submission before the trial Court and if need be, she could have filed necessary application. Such submissions/application having not been made, there cannot be any presumption of fact that she was being influenced especially in view of the evidence of the victim/petitioner which prima facie shows that she has narrated the incident and made the statements before the trial Court.
8. Since the petitioner having been examined before the Court below, at this stage, the question of influence to the witness or extending threats to the petitioner and her family members do not arise at all. It is for the trial Court to evaluate the evidence and the statement of the petitioner while deciding the case on merits. Therefore, I am not inclined to entertain this petition. Accordingly, it is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**