

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.5397 of 2016

ORDER :

The present petition is filed under Section 439 (2) of Cr.P.C. seeking cancellation of bail granted to the first respondent in Crime No.111 of 2016 of Miyapur Police Station, Cyberabad, registered for the offences punishable under Sections 498-A and 420 of IPC.

A perusal of the material placed before the Court would show that on 16.02.2016, the above crime came to be registered against A1 and his family members for the offences punishable under Sections 498-A and Section 420 of IPC. Subsequently, on 22.02.2016, learned IX Metropolitan Magistrate, Cyberabad, Kukatpally, granted bail to the A1 and others on certain terms and conditions. Challenging the same, the present petition came to be filed on the ground that subsequent to his release, A1 started threatening the petitioner. In support of the same, learned counsel for the petitioner placed on record a report dated 15.03.2016 alleged to have endorsed by the petitioner in the concerned police station.

It is to be noted that though the report was alleged to have been lodged on 15.03.2016, no crime is registered till date. Further, the averments in the report dated 15.03.2016 do not anywhere indicate that it was the first respondent who telephoned to the petitioner. On the other hand, a reading of the report discloses that threatening calls emanated from three different numbers, which do not belong to the first respondent and it also does not indicate that such phone calls were made at the instance of the husband of the petitioner. The said report does not indicate that the first respondent called the informant and threatened her with dire consequences as alleged now. Without there being any concrete material, to show that the respondent is threatening

the petitioner, it may not be proper to cancel the bail granted.

In *Dolat Ram and others v. State of Haryana*^[1], the Apex Court held as under :

“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail already granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

In view of the above, this Court is of the view that the present case for cancellation of bail cannot be considered.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

11.08.2016
vnb

^[1] (1995) 1 SCC 349