

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 961 of 2017

Baasant Sharma S/o Late Dashrath Lal Sharma, Aged About 50 Years R/o Jabdapara, Thana Sarkanda, Tahsil & District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Manishankar Pandey S/o Ramkhilawan Pandey, Aged About 48 Years R/o Maharana Pratap Nagar, Tiphra, P. S. Sirgitti, Bilaspur Chhattisgarh.
2. State Of Chhattisgarh, Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Shri Devarshi Thakur, Advocate
For Respondent No.1	:	Shri Manoj Paranjpe, Advocate
For State	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24/08/2017

1. Present is a petition under Section 439(2) read with Section 482 of Cr.P.C. seeking for cancellation of order dated 17.05.2017, whereby this Court had granted anticipatory bail to the respondent No.1. After arguing for some time, the counsel for the appellant submits that it is a case where the respondent No.1 is said to have misused the social media to defame the petitioner and thus made a clear violation of the conditions granted at the time of grant of bail. He further submits that it amounts to a clear breach of conditions to bail granted. Unfortunately to substantiate the contentions put forth by the counsel for the petitioner except a paper publication in respect of some matters published by someone in the social media that to which has not been authenticated by the applicant to have been issued from the respondent No.1.
2. So far as the cancellation of bail is concerned it is by now well settled by a catena of decisions starting from **1995 (1) SCC 349 (Dolatram and others vs. State of Haryana)**, which has further been reiterated in the recent decision of the Supreme Court in case of **"Abdul Basit & others v. Mohd. Abdul Kadir Chaudhary & another"** **2014 (10) SCC 754**. Further this Court also in a recent decision reported in CRMP No. 436/2017 has

reiterated the conditions to be considered while deciding the application for cancellation of bail.

3. In spite of this position of law being very clear and reiterated by the Supreme Court as also by this Court and precedent decisions it appears that petitioner for frivolous reasons without there being any substantive material, has filed the present application for cancellation of bail, which for the Court appear to have been filed only to gain political mileage and for some personal score to be settled.
4. Thus this Court finds this application to be frivolous and the same deserves to be rejected with cost and is accordingly rejected with cost quantified at Rs.15,000/- to be paid to the High Court Middle Income Group Legal Aid Society, Bilaspur within a period of 30 days from the date of receipt of the certified copy.
5. The application thus stands rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**

Ved