

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 28 of 2017

Ku. Vimla Pal, D/o. Shri Narayanpal, Aged About 28 Years, R/o. Awra Bhag, Hundko Colony, Dantewada, Police Station & Tahsil Dantewada, District Dantewada, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh, Through the Station House Officer, Police Station Dantewada, District Dantewada, Chhattisgarh.
2. Dharam Singh Manjhi, S/o. Ravi Manjhi, Aged About 27 Years, R/o. Manjhi Padar Dantewada, Police Station Dantewada, Tahsil & District Dantewada, Chhattisgarh

---- Respondents

For Applicant : Mr. Badal Lal Bhardwaj, Advocate

For Respondent No.1 : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.07.2017

1. This is an application for cancellation of bail granted to the accused/ respondent No.2 vide order dated 09.09.2016 passed in MCRCA No.779 of 2016.
2. Despite service, the accused/respondent No.2 who was granted bail has not appeared.
3. As per the prosecution case, a report was made by the prosecutrix that for the last 8 years, the applicant on the pretext of marriage has committed sexual intercourse with the victim and always avoided marriage on the ground that he would marry her when he will get job and subsequently he refused to marry.
4. At the time of hearing of the bail application bearing No. MCRCA No.779 of 2016, submission was made that the accused has

performed marriage with the prosecutrix and on that basis, considering the case diary, which contains the affidavit of the victim and the consent/statement of the accused wherein it is stated that the marriage is being performed, the bail was granted so that the marital complication may not arise. Subsequently, this petition has been filed by the victim wherein it is stated that wrong submission was made before the Court in order to obtain the bail and actually no marriage was performed; therefore, the bail granted to the applicant may be canceled.

5. Learned State counsel was directed to enquire about the allegation. State counsel has filed the statement of Abhishek Asthana, Victim and one Kumari Rasmi and also the copy of the consent letter of the accused wherein according to the enquiry, it reveals that no marriage has been performed and only certain signatures were obtained in the affidavit and the accused/respondent No.2 has performed marriage with the other lady after he was given the benefit of anticipatory bail.
6. Since no representation is made on behalf of the respondent No.2/ accused, in absence of that and taking into the enquiry report, which is filed on record by the State, *prima facie* it appears that wrong submission was made and on that basis the bail was obtained in MCRCA No.779 of 2016. Therefore, *prima facie* fraud was committed before the Court. Accordingly, the order dated 09.09.2016 passed in MCRCA No.779 of 2016 whereby the accused/ respondent No.2 was given the benefit of anticipatory bail is canceled.
7. In the result, the application for cancellation of bail is allowed.

Sd/-
(Goutam Bhaduri)
Judge