

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 960 of 2017

Mrs. Shilpi Shrivastava, W/o. Varun Gopal, Aged About 31 Years, R/o. Behind Manorama Dairy, Near Jora Talab, Sarkanda, Police Station Sarkanda, Tehsil, Revenue & Civil District Bilaspur, Chhattisgarh

..... Complainant
---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Police Statiion Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.
2. Man-Mohan Gopal, S/o. Late Shri Bans Gopal, Aged About 62 Years, R/o. Wz / 294/9, G - Block, Jail Road, Hari Nagar, New Delhi (India) - 110058
(Accused / Applicant)
3. Sunita Gopal, W/o. Man-Mohan Gopal, Aged About 60 Years R/o. Wz / 294/9, G - Block, Jail Road, Hari Nagar, New Delhi (India) - 110058
(Accused / Applicant)

---- **Respondents**

For Petitioner	:	Mrs. Shilpi Shrivastava, Advocate
For Respondent No.1	:	Mr. Neeraj Sharma, Dy. Govt. Advocate
For Respondent No.2	:	Mr. Pragalbha Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.11.2017

Heard

1. The present petition is for cancellation of the bail dated 23.09.2016.
2. The petitioner in person submits that on the date when the bail application was moved on that date the applicants namely Man Mohan Gopal & Smt. Sunita Gopal were at Australia and therefore false affidavits were filed. It is further submitted that the husband of the petitioner namely Varun Gopal had filed certain cases at Australia for separation and when it was enquired, it was found that certain fabricated documents have been furnished on behalf of the petitioner before the Australian Court. Therefore, the

respondent No.2 & 3 herein alongwith the husband of the petitioner are trying to inter-meddle with the evidence. She further submits that one of the girlfriend of her husband in connivance with the respondents have circulated different obscene photographs of the petitioner in the Whatsapp for which a report was also made and fake case was also registered at U.P. Thereby, the respondents have conspired with each other and has tried to temper the evidence and only they are taking advantage of their age.

3. Learned counsel for the respondents vehemently opposes the same and would submit that the respondents are attending the Court either through themselves or their counsel and the criminal case is pending before the jurisdiction of the Bilaspur under Section 498-A of I.P.C. and neither there has been threat nor any influence has been made to the witnesses. Consequently, the petition has no merit and it requires to be dismissed.
4. Perused the order dated 23.09.2016 wherein the anticipatory bail was granted to the father-in-law, who is aged about 62 years and mother-in-law who is shown to be 60 years on 23.09.2016 and the following conditions were imposed.
 - “ (i) *that since the apprehension has been made that the applicants are trying to flee away by selling of the property at Delhi, it is observed that they shall deposit their pass-ports before concerned Police Station and without permission of the Court they shall not travel out of India;*
 - (ii) *that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required.*
 - (iii) *that the applicants 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 to any Police Officer;

- (iv) *that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and*
- (v) *that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.”*

5. Perusal of the order sheet filed alongwith the petition would show that while the bail bond was furnished before the C.J.M. the pass-port was also deposited, however, the same was handover to the concerned I.O. and was directed to be kept in safe custody. Thereby, it appears that pass-port and consequence to the conditions of bail have been deposited by the respondent No.2 & 3.

6. Nothing is on record to show that respondents have committed any act so as to tamper the evidence or has tried to suppress any evidence. It appears that compliance of the conditions of bail was made post 23.09.2016, therefore, I do not find any reason to cancel the bail. Further, considering the fact that the criminal proceedings are pending before the J.M.F.C. Bilaspur and also taking into totality, no sufficient ground is made out to cancel the bail.

7. In view of the above, the petition *sans merit* and is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge