

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1032 of 2018

Smt. Aditi Mishra C/o Shri Ashok Tiwari Aged About 34 Years
Through- Nayapara, Chakarbhata, P.S. 4 Post Chakarbhatha, Tahsil
& District- Bilaspur, Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Station House Officer, Police Station Bhatapara City, District- Baloda Bazar, District : Balodabazar-Bhathapara, Chhattisgarh
2. Vinay Mishra S/o Amarnath Mishra R/o- Kakhan Colony, Subhash Ward, Bhatapara, Police Station Bhatapara, City, District- Baloda Bazar, District : Balodabazar-Bhathapara, Chhattisgarh. **--- Respondents**

For the appellant	:	Mr. Amit Kumar, Advocate
For the State	:	Mr. Aditya Tiwari, Panel Lawyer
For Respondent No.2	:	Mr. Sachin Nidhi, Advocate on behalf of Mr.Y.C. Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2018

1. The present petition is for cancellation of anticipatory bail granted to the respondent No.2 by this Court vide order 16.05.2014 passed in M.Cr.C.No.138 of 2014.
2. Learned counsel for the applicant submits that after the bail was granted, charge sheet was filed before the trial Court under Section 498-A, 506, 323 of IPC and subsequently again the victim was subjected to continuous torture and report was made on 20.05.2017 as she was forcibly thrown out of the house and again torture continued. Therefore, under the changing circumstances, the bail granted to applicant/respondent No.2 may be cancelled.
3. Per contra, learned counsel for the respondent opposes the same and submits that the dispute is in between husband

and wife and by now the charge sheet has been filed and no extraordinary/special circumstances have been shown to cancel the bail granted to respondent no.2.

4. Perused the documents connected to this petition. Admittedly, after the bail was granted, charge sheet was filed in the year 2014 against the respondent u/s 498-A, 506 & section 323 of IPC and subsequently if any complaint is made then in such a case, it may not be a ground for cancellation bail as special circumstances have not existed for cancellation of the bail earlier granted to respondent no.2.
5. Once the charge sheet having been filed and the matter is sub-judice before the Court below after grant of bail by this Court, it is for the trial Court to adjudicate the case and the order of bail cannot be reviewed on the ground of new adverse facts which have surfaced against the accused after grant of bail. In *(2014) 10 SCC 754 Abdul Basit alias Raju v. Mohd. Abdul Kadir Chaudhary* the Supreme Court has held that although the court granting bail can cancel the bail on the ground of accused's misconduct or new adverse facts having surfaced after the grant of bail, however, in view of express bar contained in Section 362 Cr.P.C., it cannot review its order.
6. In view of the above principal and considering the nature of complaint, the order of grant of bail cannot be reviewed. Therefore, I do not find any reason to cancel the bail. Accordingly, this petition is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE