

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1119 of 2017

1. Smt. Leelawati Baghmar W/o Shri Vishwanath Baghmar, Aged About 36 Years R/o Village Khapradih, Post Office & Police Station Suhela, District Balodabazar- Bhatapara Chhattisgarh, Present Address House Of Gopi Verma, Charoda, Police Station Dharsiwa, District Raipur Chhattisgarh.
2. Vishwanath Baghmar S/o Pyarelal Baghmar, Aged About 45 Years R/o Village Khapradih, Post Office & Police Station Suhela, District Balodabazar- Bhatapara Chhattisgarh, Present Address House of Gopi Verma, Charoda, Police Station Dharsiwa, District Raipur Chhattisgarh, **--- Petitioners**

Versus

1. State of Chhattisgarh through District Magistrate/ Station House Officer, Police Station Dharsiwa, District Raipur, Chhattisgarh.
2. Vyas Narayan Yadu, S/o Jantram Yadu, Aged About 50 Years R/o Village Khamhariya, Bhatapara Gramin, Post Office & Police Station Bhatapara, District Balodabazar- Bhatapara Chhattisgarh. **---- Respondents**

08.05.2018	Mr. Shivendu Pandya, counsel for the petitioner. Mr. Anil Pillai, Dy. A.G., for the State. Mr. Sharad Sharma, counsel for respondent No.2. Heard. The instant petition is against the order dated 12.07.2017 whereby the learned 9th Addl. Sessions Judge (FTC), Raipur has dismissed the application seeking cancellation bail granted to respondent No.2 Vyas Narayan Yadu on 25.02.2017. Learned counsel for the petitioner would submit that when the bail was granted to respondent no.2 by order dated 25.02.2017, specific condition was imposed by the court below that the accused shall not influence the witnesses and immediately thereafter the said condition of the bail was breached within six days as the accused went to the house of complainant on 04.03.2017 and offered her an amount of Rs.30,000/- and also extended threat that in case they do not compromise to take back the FIR filed u/s 376 & 506 of IPC, she	

would face dire consequences, therefore, the report was made on 13.04.2017.

Learned counsel for the petitioners submits that under the circumstances, since breach of one of the conditions of the bail was committed by the respondent No.2, the bail granted to him on 25.02.2017 may be cancelled.

Per contra, learned counsel for respondent no. 2 opposes the same and submits that false averments have been made and the complainant is at liberty to make her submission before the Court where the Sessions Trial is pending and only on the flimsy grounds, the prayer has been made for cancellation of bail.

I have heard the learned counsel for the parties and have also perused the documents.

A perusal of the record would show that after evaluating the facts, the trial Court has granted bail on 25.02.2017 to respondent no.2 in Criminal Case No.2338 of 2017. The case appears to have been registered u/s 376 & 506 of IPC. Subsequently it shows that a report has been made on 13.04.2017 alleging that on 04.03.2017 the accused went to the house of victim and asked her to compromise the case and also extended threat that if she do not accept the amount, her family will face dire consequences.

The FIR was made on 13.04.2017. A perusal of the documents would show that the allegation has been levelled that the accused has offered Rs.30,000/- to the prosecutrix. Except that no averments have been made. The nature of allegations as have been made in the report are still to be appreciated by the Court as the prosecutrix can very well stick to her original version during her examination. Therefore, at this stage, the report as has been made do not inspire

R a o	confidence so as to recall the the bail order. If the bail is cancelled on the mere allegations of the report without further investigation as to the authentication of the same, it will defeat the object of the grant of bail. There has to be real apprehension or indulgence with the witnesses which can be substantiated by evaluating the facts of the case. For the foregoing reasons, I do not find that any such circumstances exist to cancel the bail granted to respondent No.2. In the result, the petition has no merit and is dismissed. Sd/- GOUTAM BHADURI JUDGE	
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