

HIGH COURT OF CHHATTISGARH AT BILASPURCr.M.P. No. 1493 of 2017

Kanahiya Lal Kumawat S/o Shri Mulchand Kumawat, Aged about 40 years, R/o Ganjpara, Balod, Civil & Revenue District Balod, C.G., Civil and Revenue District Balod (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through Station House Officer, Police Station Balod, District Balod (C.G.).
2. Tandon Lal S/o Shankarlal, aged about 63 years, R/o Ganjpara, Balod, Ward o.11, Police Station Balod, District Durg (C.G.).

---Respondents

For Petitioner	:	Shri Manay Nath Thakur, Advocate.
For Respondent/State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/01/2018

1. The respondent No.2 in the present case had applied for grant of anticipatory bail before this Court vide M.Cr.C.A.No. 421/2017. This Court on 14/06/2017 had allowed the application and granted the anticipatory bail to the respondent No.2. The present petitioner is the complainant in the case in which the respondent No.2 was granted anticipatory bail in crime No.142/2017 where the respondent No.2 has been prosecuted for the offence punishable under Section 420 of IPC. The present petitioner has now filed this Cr.M.P. seeking for cancellation of bail granted to the respondent No.2.

2. The contention of the counsel for the petitioner is that, the respondent No.2 after having obtained the anticipatory bail from this Court violated the contents which were stipulated while granting bail. Firstly, he is trying to put undue pressure upon the petitioner to withdraw the complaint in which he has been prosecuted for the offence under Section 420 of IPC. Secondly, the respondent No.2 has also entered the shop of the present petitioner along with a lady belonging to the reserved category and has been threatening the petitioner of falsely implicating the present petitioner for the offence under the provision of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. It is further contended that, the petitioner in this regard had already lodged a complaint with the police authorities and the police authorities also on due verification of the same have lodged a fresh F.I.R. against the respondent No.2 for the offence punishable under Section 506/34 of IPC on 31/10/2017.

3. This Court on 01/11/2017 had issued notice to the respondent No.2. The report from the registry show that, the respondent No.2 has been duly served with the notice and he was also represented by a lawyer on 05/12/2017, when the matter was called. Thereafter, there is no representation on behalf of the respondent No.2 in spite of the matter being listed on a couple of occasions.

4. In the given facts and circumstances of the case, particularly, there being no representation on behalf of the respondent No.2 and taking into consideration the fresh F.I.R. which has been lodged against the respondent

No.2 for the offence under Section 506/34 of IPC and the specific complaint being lodged by the present petitioner in respect of the continuous threat being provided by the respondent No.2 to the present petitioner, it is a clear case where the respondent No.2 seems to have violated the condition which were imposed while granting the bail and it appears that it is a case where he is tampering the witness and the evidence in the criminal case lodged against the respondent No.2.

5. Therefore, keeping in view the guidelines laid down by the Hon'ble Supreme Court in the case of **Kanwar Singh Meena Vs. State of Rajasthan & Anr. [{2012} 12 SCC 180]** so also in the case of **State of Bihar Vs. Rajballav Prasad Alias Rajballav Prasad Yadav Alias Rajballabh Yadav [{2017} 2 SCC 178]**, this Court is inclined to cancel the bail which has been granted to the respondent No.2.

6. Accordingly it is ordered that, the bail granted by this Court to the respondent No.2 vide order dated 14/06/2017 stands hereby cancelled. The police authorities would be at liberty to initiate appropriate steps in this regard.

7. The Cr.M.P. stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE