

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1049 of 2019

- Sonali Bhatnagar D/o Dinesh Kumar Sinha, Aged About 27 Years, R/o Near Bisunpur Primary School Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. Mohit Swaroop Bhatnagar S/o Parmatma Swaroop Bhatnagar, Aged About 30 Years, Occupation Teacher Caste Kayastha R/o Mo Sattipara Police Station and Tehsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. State of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

-----Respondents

For Petitioner	: Ms. Priyanka Mehta, Advocate.
For Respondent No. 1 :	Mr. Neeraj Kumar Mehta, Advocate.
For Respondent No.2/State	: Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2019

Heard.

1. This petition has been brought under Section 439(2) of the Cr.P.C. praying for cancellation of bail granted to respondent No.1 in MCRC No.7897/2018 by order dated 30-10-2018.
2. It is submitted that after respondent No.1 has been released on bail by this Court he has pressurized the petitioner for entering into compromise and withdrawing the prosecution against him by putting her under threat. Similarly, on one incident when the petitioner had been to watch Cinema respondent No.1 pressurized and threatened

the petitioner and her mother to change their statement before the Court regarding which one FIR was lodged which was registered as Crime No.182/2019 and offence under Section 294, 506, 323 of the IPC were registered. Therefore, respondent No.1 has misused his liberty and breached the condition for grant of bail. Hence, on this ground it is prayed that the bail granted earlier be cancelled.

3. Learned counsel for respondent No.1 submits that the submission made and the facts mentioned on behalf of the petitioner are misled. Respondent No.1 never breached or made any contact with the petitioner to pressurize her or threaten her for making a favourable statement in Court. On the contrary, the incident that has taken place on 17-03-2019 it was the petitioner herself with her mother who confronted respondent No.1 in Cinema Hall, because of which a dispute arose and in that complaint there is no such statement made that respondent No.1 had threatened or pressurized the petitioner for getting a favourable statement. Therefore, there is no substance in this petition, which may be dismissed.
4. Learned counsel representing respondent No.2/State makes formal objection.
5. Heard learned counsel for the parties and perused the documents.
6. Copy of the FIR is filed as Annexure – P/1, in which the incident dated 17-03-2019 is mentioned that the petitioner received a phone call that her husband, i.e., respondent No.1 was watching a movie along with two girls. The petitioner then went to the Cinema Hall with her mother and confronted her husband, it was at that time respondent No.1 abused her, threatened her and assaulted her and when mother of the petitioner intervened she was also threatened, assaulted and abused.

There is nothing stated in the FIR lodged that the purpose of threatening, assaulting and abusing the petitioner and her mother had been for the purpose of dissuading them from making, statement in favour of respondent No.1 before the Court. Counsel for the petitioner has made a reference to another complaint which has been given to the S.P. Ambikapur on 29-03-2019 in which narrating the same incident of 17-03-2019 additional statement has been made that the purpose of threatening, assaulting and abusing the petitioner and her mother had been to pressurize them for entering into compromise which is contrary and improved statement compared to the FIR lodged by the petitioner herself. The incident that has occurred on 17-03-2019 is a separate incident regarding which respondent No.1 has been chargesheeted before the trial Court for which he will face the trial, connection of that case with the present case in which respondent No.1 has been granted bail is not clearly established, therefore, I do not feel inclined to allow this petition. Accordingly, the petition is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge