

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1264 of 2019**

1. Udit Madhukar W/o Ritesh Madhukar D/o Yogam Ratre, Aged About 20 Years R/o Village Mandwa Police Station Gidhowri, District (Revenue And Civil) Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Yogam Ratre S/o Late Shri Ramkrupal Ratre Aged About 45 Years R/o Village Mandwa Police Station Gidhowri, District (Revenue And Civil) Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Kusum Devi Ratre W/o Yogam Ratre Aged About 42 Years R/o Village Mandwa Police Station Gidhowri, District (Revenue And Civil) Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Police Station Gidhour, Civil And Revenue District Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Ku. Bhanupriya D/o Shri Ratan Lal Aged About 20 Years R/o Village Nardha Thana Gidhour, Civil And Revenue District Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For the Petitioner	:	Shri Sumit Jhavar, Advocate.
For the Respondent/State	:	Shri Ghanshyam Patel, G.A.
For Respondent No.2	:	Shri Sunil Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.09.2019**

Heard.

1. This petition has been brought under Section 439(2) of the Code of Criminal Procedure with a prayer for cancellation of anticipatory bail granted to respondent No.2 – Ku. Bhanupriya in M.Cr.C.(A) No. 147 of 2019 vide order dated 08.02.2019. It is submitted that there had been one specific condition in the order granting anticipatory bail that the applicants/ accused

shall not directly or indirectly make any inducement acquainted with the facts of the case so as to dissuade to any Court or any police officer. This condition has been breached by respondent No.2 regarding which, one FIR has been lodged against respondent No.2 and other accused persons. This incident took place on 17.3.2019 when the petitioner had been to the house of respondent No.2 for the purpose of identifying the gifts given in marriage. At that time, a dispute arose and respondent No.2 alongwith other accused persons abused, threatened and then assaulted petitioner – Udit Madhukar causing injuries to her. Hence, on this basis, it is prayed that the anticipatory bail granted earlier to respondent No.2 may be canceled.

2. Learned counsel for respondent No.1/ State opposes the application.

3. Learned counsel for respondent No.2 submits that the FIR lodged against respondent No.2 and other accused persons is totally a different case, that case has been investigated and the charge-sheet has been filed against respondent No.2 and other accused persons. From the perusal of FIR itself, it does not appear that the conditions imposed upon respondent No.2 in the order granting anticipatory bail have been breached. Hence, it is prayed that the petition be dismissed.

4. Heard counsel for both the parties and perused the documents submitted alongwith this petition.

5. The condition that was imposed upon respondent No.2 while granting her anticipatory bail is requisites as under:

'(ii) 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 them from disclosing such facts to the Court or to any police officer;'

6. There is clear mention in the condition that any act of inducement, threat etc has to be for the purpose of dissuade a person disclosing such facts to the Court or to any police officer.

7. On perusing the contents of the FIR which is filed as Annexure-A/4, it is apparently clear that the incident had taken place when the petitioners had visited the house of respondent No.2 for the purpose of identifying the gift articles that were given in marriage and then the dispute arose. There is no such allegation in the FIR that abuse, threat or assault was made on the purpose that they should not appear before any Court or before any Police Officer, therefore, it is not a case for cancellation of grant of anticipatory bail on the ground of breach of conditions imposed. Hence, I do not feel any kind of substance to allow this petition.

8. Accordingly, this Cr.M.P. is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge