

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1604 of 2017**

Bhoomika Mishra, D/o R.P. Mishra, Age about 22 years, R/o- Ward -3, Gaya Nagar,
Durg, Tah. & Distt. - Durg (C.G.)

----Applicant (Prosecutrix)

Versus

1. Nitin Kumar Soni (accused), S/o Laxmi Narayan Soni, age about 24 years, R/o –
Near Sitla Mandir, Kabir Dham, Kawardha (C.G.)

2. State of Chhattisgarh through Station Incharge, P.S.- Mohan Nagar, Dist. Durg
(C.G.)

---- Non-applicants

For Applicant	: Shri Rudranath Mukherjee, Advocate.
For Respondent No. 1	: Shri Amiyakant Tiwari, Advocate.
For Respondent No. 2	: Shri R.K. Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/05/2019

(1) Non-applicant No. 1/accused - Nitin Kumar Soni was granted privilege of regular bail under Section 439 of the Code of Criminal Procedure, 1973 (henceforth "Cr.P.C."). Now, the objector/prosecutrix filed an application under Section 439(2) of the Code of Criminal Procedure holding that the trial Court is absolutely unjustified in granting regular bail to the non-applicant No. 1.

(2) Shri Rudranath Mukherjee, counsel for the applicant/Objector would submit that the trial Court is absolutely justified in granting regular bail under Section 439 of the Code of Criminal Procedure, which does not call for interference in the instant Cr.M.P.

(3) Per contra, Shri Amiyakant Tiwari, counsel for the non-applicant No. 1 would support the impugned order.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(5) Undisputedly, the regular bail under Section 439 of the Cr.P.C. was granted to the non-applicant No. 1 on 14.09.2017; the instant application under Section 439 (2) of the Cr.P.C. for cancellation of bail was filed on 16.11.2017; and this matter is taken up for final hearing. A bare perusal of the material available on record, it appears that there is no allegation or whisper against the non-applicant No.1 that he has violated the terms and condition, on which, the regular bail was granted to him i.e. either he has threatened the prosecutrix or the prosecution witnesses, as such, I do not find any merit in the instant application under Section 439 of the Cr.P.C. for cancellation of bail to the non-applicant No. 1.

(6) Accordingly, the Cr.M.P., being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

