

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 2423 of 2018

Alka Barwa, Wd/o. Late Prakash Barwa, Aged About 34 Years, R/o. Qtr. No. B/13 New Police Line, Durg, Tahsil and District Durg Chhattisgarh.

---- Petitioner

Versus

1. Lalit Kerketta, S/o. Shri Nestur Kerketta, Aged About 39 Years, R/o. Maharpara Bemetara, Police Station -Bemetara, District Bemetara Chhattisgarh.
2. State Of Chhattisgarh, Through : The District Magistrate, Durg, District Durg Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Ganesh Ram Burman, Advocate
For Respondent/State	: Mr. Subhash Yadav, Dy.G.A.
For Respondent No.1	: None present.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER ON BOARD

25/07/2019

1. Petition has been brought under Section 439 (2) of the Code of Criminal Procedure praying for cancellation of anticipatory bail granted to respondent No.1 by this Court in M.Cr.C.(A) No.969 of 2017 by order dated 01.02.2018.
2. It is submitted that the applicant/petitioner is complainant of this case. The respondent No.1 after grant of anticipatory bail to him

has not conducted in accordance with the conditions for grant of bail. The respondent No.1 has made use of other persons to make threatening phone calls to the complainant for the purpose of pressurizing her to compromise and give a statement before the Court in favour of the respondent No.1. Therefore, it is clear breach of the conditions of granting anticipatory bail, hence, the anticipatory bail granted to the respondent No.1 be cancelled.

3. Respondent No.1 though served is unrepresented.
4. Learned State counsel has made formal objection to the petition.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. While granting bail to the respondent No.1 in M.Cr.C.(A) No.969 of 2017 by order dated 01.02.2018 in paragraph 8(ii) of the order, the conditions was laid down, which is mentioned as under :-

“8.(ii) that the applicant 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 him from disclosing such facts to the Court or to any police officer.”

7. The petitioner has also made a complaint to Inspector General of Police, Durg Range. Copy of the same is produced as Annexure A-2. This complaint was inquired in to. Later on a counter affidavit has been filed by Suresh Kumar Dhurwa, S.H.O. of Police Station City Kotwali, Durg, making statement regarding the enquiry made

on the complaint made by the petitioner. Copy of the said inquiry report is attached. According to this report, it was found in the inquiry that some of the persons, who had made phone calls to the petitioner/prosecutrix have admitted making such phone calls, asking her to enter into compromise in the case and on this basis, one proceeding was also initiated against the respondent No.1 under Section 107 & 116 of Cr.P.C.

8. The enquiry report, action taken and the counter affidavit filed in support of this very clearly support the allegations made by the petitioner in this case against the respondent No.1, which is enough to hold that respondent No.1 has breached the conditions for grant of anticipatory bail to him.
9. According to the wording of the order dated 01.02.2018 passed in M.Cr.C.(A) No.969 of 2017 compliance of condition was mandatory and it has been found that the respondent No.1 has breached the condition of the order, therefore, I feel inclined to allow this petition and the anticipatory bail granted to the respondent No.1 in M.Cr.C.(A) No.969 of 2017 vide order dated 01.02.2018 is hereby cancelled.
10. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge