

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 574 of 2020

Smt. Amarjeet Kaur W/o Shri Baldev Singh Kakkad, Aged About 63 Years R/o Kakkad Complex, Anupam Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh.....Complainant, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Rajnandgaon, District Rajnandgaon Chhattisgarh.....Prosecution, District : Rajnandgaon, Chhattisgarh
2. Sandeep Singh Kakkad, S/o Satpal Singh Kakkad, Aged About 41 Years R/o Kakkad Complex, Anupam Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh.....Accused, District : Rajnandgaon, Chhattisgarh

---- Respondents

For Applicant	:	Shri Punit Ruparel, Advocate
For Non-applicant No.1/State	:	Smt. Hamida Siddiqui, Dy. A.G.
For Non-applicant No.2	:	Shri Parag Kotecha, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/12/2020

Heard.

1. The Applicant- complainant has filed this application under Section 439 (2) Cr.P.C. for cancellation of bail granted to accused/non-applicant No.2.
2. The ground of challenge seeking cancellation of bail is that during the pendency of complaint case, one of accused- Sandeep Singh Kakkad/Non-applicant No.2 is tampering with prosecution witness- Suresh Dekate and the accused is compelling him to give false evidence in the Court so that the complainant's case is dismissed and goes in favour of the accused.

3. Learned counsel for the applicant submits that complainant's witness Suresh has filed an application on 20th February 2020 before the Magistrate clearly stating regarding the incident of 13th and 14th February 2020 when accused Sandeep approached him and compelled him to state false evidence in the Court. According to the applicant, the evidence recorded these conversations also in electronic device which can also be inquired into.
4. Learned counsel appearing for the State submits that present case arises out of complaint case.
5. Learned counsel appearing for non-applicant No.2 denies allegation and submits that non-applicant No.2 is not indulged in any act of tampering with prosecution witnesses. He would submit that allegation made against non-applicant No.2 is not correct. He further submits that said Suresh who makes allegation of being tampered by non-applicant No.2, by submitting an application on 20th February 2020, was in fact examined by learned Magistrate before framing of charges. In his statement, he has not whispered regarding any such incident of 13th or 18th February 2020. Learned counsel submits that this allegation against non-applicant is an afterthought. He further submits that this kind of allegation that non-applicant No.2 pressurized complainant's witness Suresh Dekate is not probable.
6. I have carefully gone through the records in the light of submissions which have been made by learned counsel for the respective parties. Applicant's prayer for cancellation of bail is based mainly on the ground that non-applicant No.2/ accused- Sandeep is tampering with prosecution witness Suresh Dekate and forcing him to state false evidence against complainant and in favour of said accused.
7. This Court finds that on 20th February 2020 itself, this particular witness was examined by the Magistrate. After going through his entire statement, it is revealed that there is no whisper regarding the incident of pressure being created on him by accused Sandeep on 13th & 18th February 2020. Apparently, the dates on which the accused is alleged to have approached this witness Suresh Dekate is prior to date on which this witness was examined before the

Magistrate on 20th February 2020. It would have been quite natural for the said witness Suresh Dekate to state regarding these facts leading to incident of 13th & 18th February 2020.

8. In view of the aforesaid discrepancy, this Court does not consider it to be a case for cancellation of bail granted to non-applicant No.2.
9. The application (CRMP) is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen