

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 51 of 2020

- Prabha Goutam, D/o Shri Harishchandra Goutam, Aged About 30 Years, R/o Qtr. No. 2-H, Street No. 30, Zone-2, Khursipar, Bhilai, Durg, District Durg Chhattisgarh.

---- **Petitioner**

Versus

1. Chandrashekhar Azad, Son of Maohbi Lal, R/o Babu Nagar, Zone-2, Khursipar, Bhilai, Durg, District : Durg, Chhattisgarh.
2. State of Chhattisgarh Through The Station House Officer, Police Station Supela, District : Durg, Chhattisgarh

---- **Respondents**

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For Respondent No.1	:	Mr. Anmol Sharma, Advocate.
For Respondent No.2/State:	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/03/2021

1. Both the parties are represented and the counsel for both sides agreed to argue the matter finally.
2. Heard.
3. It is submitted by the counsel for petitioner, that the respondent has been benefited with grant of anticipatory bail by this Court vide order dated 3.12.2018 passed in MCRC No.1414/2018. There had been an specific condition in the bail order 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/her from disclosing such facts to the Court or to any police officer. It is further submitted that the respondent has very clearly disobeyed the direction of the High Court. He has continuously threatened and intimidated the petitioner for the purpose of harassing her and forcing her to withdraw the case against him or to make favorable statement in the Court. The petitioner lodged complaint in Police Station Khursipur on 7.12.2019 vide

Annexure-P2, that the respondent is threatening her on mobile phone for withdrawing the case against him, but no action has been taken on the said complaint. Another complaint was lodged on 12.1.2019 in the same police-station alleging that the respondent has called petitioner's father on mobile phone and asked him to compromise the case. Thus, the respondent has made clear violation of the conditions mentioned in the bail order, hence, anticipatory bail granted to him may be canceled.

4. Learned counsel for respondent No.1 submits, that respondent No.1 is a Government Servant working as Constable. The allegations that have been made by the petitioner side are baseless. The respondent No.1 was granted anticipatory bail by this Court on the ground that the father of the petitioner had borrowed some amount from respondent No.1 and when the said amount was demanded back, a false FIR was lodged against respondent No.1. The petitioner had made false ground for filing this petition. The bail has been granted to the respondent No.1 on 3.12.2018 and after passing of more than one year, this petition has been filed for cancellation of bail. There are no call details provided to support the case of the petitioner. Hence, the allegations of the petitioner are totally baseless. The applicant has not disobeyed any of the conditions which were imposed upon him at the time of granting him bail.

Reliance has been placed on the judgment of Supreme Court in the case of Myakala Dharamrajam & ors Vs. The State of Telangana & another reported in AIR 2020 SC 317 in which it was held that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to. It is submitted that it is a question of liberty of the respondent, therefore, this petition be dismissed.

5. Learned State counsel makes formal objection.
6. I have heard learned counsel of both the parties and perused the documents on record.
7. The respondent No.1 was benefited with grant of anticipatory bail on 3.12.2018. Even if the submissions on the petitioner side regarding the

complaints lodged in the police-station are taken as it is, then it would be seen that she made first complaint on 7.1.2019 about receiving of phone call from the respondent No.1 asking her to withdraw the case and threatening her with dire consequences. The second complaint was lodged by her just after 5 days on 12.1.2019 stating that the respondent No.1 made a phone call to her father asking him to enter into a compromise, but there is no mention about giving of threat of any kind. Details of any complaint given by the petitioner subsequent to 12.1.2019 are not given and it is after about one year i.e. on 15.1.2020 this petition has been filed. Hence, on this basis it cannot be said that there is continuous conduct of the respondent No.1 against the petitioner of threatening and harassing her for the purpose of seeking her favor. The ratio laid down by the Supreme Court in Myakala Dharamrajam's case (supra) is very clear that cancellation of bail is a harsh order and it must not be lightly resorted to. Therefore, bail granted to anyone cannot be canceled merely on asking of complainant. Hence, I am of this view that this petition does not deserve to be allowed, therefore, it is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha