

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 674 of 2021

- Tej Kumar Bajaj, S/o Late Choithram Bajaj, aged 53 years, R/o Katora Talab, Police Station- Civil Line, Raipur, District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Station House Officer, Police Station – Civil Line, Raipur (C.G.), Tahsil & District – Raipur (C.G.)
2. Smt. Sudha Singh, W/o Mahendra Pratap Singh, aged 37 years, R/o House No.5, Sector 3, Shivanand Nagar, Raipur (C.G.) Tahsil & District Raipur (C.G.)

---- Respondents

For Petitioner	: Shri Malay Shrivastava, Advocate
For Respondent No. 1	: Shri Anand Verma, Deputy Government Advocate
For State/Respondent No.2	: None

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

14.07.2021

1. Heard on admission.
2. The petitioner has preferred this petition under Section 439 (2) of the Cr.P.C. seeking cancellation of regular bail granted to respondent No. 2 in connection with Crime No. 387/2019 registered in Police Station Civil Lines, Raipur for offence punishable under Section 420/34 of IPC vide order dated 24.12.2019 passed by the Eighth Additional Sessions Judge, District Raipur (C.G.) in Bail Applicant No. 3095/2019. The petitioner had filed Criminal MJC No. 16/2021 for cancellation of bail before the Eighth Additional Sessions Judge, Raipur, District Raipur (C.G.) which was rejected vide order dated 10.03.2021.
3. Learned counsel for the petitioner submits that respondent No. 2 is flouting the terms and conditions of the bail order by giving threats to the petitioner

alongwith her husband for withdrawal of the criminal case. Since respondent No.2 is misusing the liberty granted to her by the trial Court, the present petition has been filed for cancellation of her bail.

4. It is a well settled principle of law that parameters for grant of bail and cancellation of bail are quite different. In this case, the petitioner has failed to show that respondent No. 2 is in any manner misusing the liberty granted to her by the trial Court or tampering with the evidence or intimidating or influencing the witnesses acquainted with the facts of the case or preventing them from disclosing such facts to the Investigating Officer or any other authority. Considering the fact that the bail was granted to respondent No.2 by trial Court on 24.12.2019, the incident happened on 20.02.2018, one Annexure-P/6 filed by the petitioner, but no any offence registered against respondent No.2, further considering the entire facts and circumstance, this Court is not inclined to entertain the present Cr.M.P. for cancellation of regular bail granted to respondent No.2 by the trial Court. Accordingly, the present Cr.M.P. being without any substance is hereby dismissed at motion stage.

Sd/-
(Gautam Chourdiya)
Judge