IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 30th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 52198 of 2023

BETWEEN:-

PROSECUTRIX S/O NOT MENTION P.S. KOTWALI NARMADAPURAM (MADHYA PRADESH)

.....APPLICANT

(BY SHRI DHANANJAY SHUKLA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KOTWALI DISTRICT NARMADAPURAM (MADHYA PRADESH)**

2. **ASWANI BAMNE S/O R.S. BAMNE, AGED ABOUT 33 YEARS, R/O SANJAY NAGAR GWALTOLI DISTRICT NARMADAPURAM (MADHYA PRADESH)**

.....RESPONDENTS

(BY MS. SHIKHA SINGH BAGHEL - PANEL LAWYER FOR THE STATE AND SHRI SUMIT CHATURVEDI - ADVOCATE FOR RESPONDENT NO.2.)

This application coming on for admission this day, the court passed the following:

ORDER

In this application filed under Section 439(2) a prayer has been made for cancellation of bail of respondent No.2. Aswani Bamne against whom a Crime No.802/2023 dated 06.10.2023 at Police Station Kotwali, District Narmadapuram for the offences under Section 366, 376(2)(n) and 506 of IPC has been registered.

It has been claimed by the applicant that after obtaining the anticipatory

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bail under M.Cr.C. No.47631/2023, respondent No.2 and his family members are persistently threatening the prosecutrix for withdrawal of case, she is being given threat of making the video viral in public space and she is even being threatened of physical harm. For this on 06.11.2023 threat of violence, etc were given by the respondent No.2 to the prosecutrix, the prosecutrix has informed the police authorities and also the human right commission. Respondent No.2 is continuously tampering with the evidence; he has misused the liberty given under anticipatory bail and he has also violated the conditions of 438(2) Cr.P.C. It is therefore prayed that anticipatory bail granted to respondent No.2 be cancelled.

The application has been opposed by the counsel for respondent No.2.

Both the sides have been heard and the case diary is perused.

The anticipatory bail order in favour of respondent No.2 was passed under M.Cr.C. No.47631/2023 on 01.11.2023. Subsequent to grant of anticipatory bail, the prosecutrix has made two complaints before the police authorities and they are dated 06.11.2023, both of them referred to some incident occurred on 05.11.2023 but these complaints do not reveal whether these threats were given in person or through other mode.

Along with I.A. No.2168/2024 prosecutrix has filed some Whatsapp chats but these chats do not reveal that the person on other side was respondent or his relative. Further the chats were not of date of 05.11.2023. The contents of these chats do not reveal the use of any threatening words.

From the above discussion, it appears that the alleged complaints made by the prosecutrix regarding the incident of 05.11.2023 is devoid of necessary details and no documents has been filed by the prosecutrix to suggest that she is being threatened or persuaded by respondent No.2 for withdrawal of the

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criminal case registered against him.

In the absence of any credible material, the allegations made by the prosecutrix cannot be accepted for cancelling the anticipatory bail order.

Accordingly, the application is **dismissed**.

(ANURADHA SHUKLA)
JUDGE

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