

04



**BEFORE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Cr.M.P. NO. 821 /2014**

**SINGLE BENCH**

**PETITIONER**

Ku. Ranu Chandrakar D/o Ramesh Chandrakar, aged about 17 year, through natural guardian her father Ramesh Chandrakar S/o Ramtahal Chandrakar, aged about 42 years, R/o Village Mathanikala, Police Station Pipariya, District Kabirdham C.G.

**(Prosecutrix)**

**VERSUS**

**RESPONDENTS**

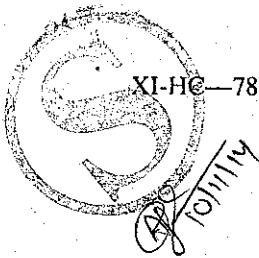
1. State of Chhattisgarh, through: the District Magistrate/Station House Officer, Police Station Pipariya, District Kabirdham C.G. **(Non-Applicant)**
2. Anil Bauddh S/o Asharam Bauddh, aged about 26 years, R/o Dhauraband, Tahsil Kabirdham, Civil & Revenue District Kabirdham C.G. **(Applicant)**

**CRIMINAL MISCELLANEOUS PETITION / APPLICATION**

**UNDER SECTION 439 (2) OF Cr.P.C.**

This petition is being filed for cancellation of bail order dated 2.7.2014 passed in M.Cr.C. No. 2944/2014 by this Hon'ble Court. A copy of order dated 2.7.2014 is annexed herewith as **Annexure P/1**.





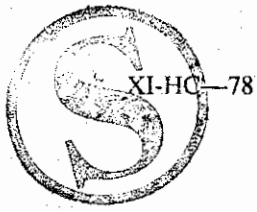
उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

26

मामला क्रमांक Cr.M.P. 821/14 सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><b>S.B.: Hon'ble Shri Justice P. Sam Koshy</b></p> <p><b>31. 10. 2014</b></p> <p>Shri Rakesh Pandey, Advocate for the petitioner.</p> <p>Shri Sanjeev Kumar Agrawal, PL for the State/ respondent.</p> <p>By way of the instant petition, the petitioner has sought for cancellation of bail granted to the respondent No. 2 (Anil Bauddh) which was granted by this Court vide order dated 02.07.2014 in M.Cr.C. No. 2944/2014.</p> <p>Counsel for the petitioner submits that the bail granted to the respondent no. 2 may be cancelled on two grounds. Firstly, the certain substantial material have not been brought to the notice of the Court by the prosecution in the course of argument when the respondent no. 2 was granted bail by this Court.</p> <p>Secondly, after the respondent No.2 was released on bail, the respondent No. 2 has been persistently troubling the prosecutrix and for which the complaint has also been lodged before the Police authorities for which he was arrested and later on released on bail in a different M.Cr.C.</p> <p>However, considering the facts and circumstances of the case, particularly the manner in which the prosecution story is spelt in the case diary that of the prosecutrix having gone to different places and having physical relationship with the respondent No. 2. I do not find any good grounds have been</p>	



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

मामला क्रमांक Cr.P. 821/14 सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>raised by the counsel for the petitioner for cancellation of the bail of respondent No.2.</p> <p>Similarly, the second ground also does not find any strength for the reason the alleged complaint made to the police authorities was on behalf of the father of the prosecutrix and that there is no substantial material that the prosecutrix has infact made complaint herself to the police authorities in this regard, it appears that the father of the girl is trying to implicate the respondent No.2 on account of the intimacy that the prosecutrix has developed with the respondent No. 2</p> <p>For the forgoing reason, the application moved by the petitioner under section 439(2) of Cr.P.C. is rejected.</p> <p>Accordingly, the same is rejected.</p>	<p>Sd/- P. Sam Koshy Judge</p>

santosh