

Court No. - 70

**Case :- CRIMINAL MISC. BAIL CANCELLATION
APPLICATION No. - 723 of 2023**

Applicant :-

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- A.L.Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri A.L. Gupta, learned counsel for the applicant and Sri Santosh Nigam, learned AGA for the State.

2. The instant bail cancellation application has been filed on behalf of the applicant seeking cancellation of bail granted to opposite party no.2 vide order dated 08.6.2023 in Case Crime No. 194 of 2022 under sections 376, 323, 504, 506 IPC, Police Station Gujaini, District Kanpur Nagar.

3. Learned counsel for the applicant submits this is bail cancellation application and applicant is informant of the case and she filed the instant bail cancellation application on the ground that after release on bail, opposite party no. 2 is continuously threatening her and in this regard, an application has been moved before the higher authorities on 02.9.2023 and when no action was taken against opposite party no.2 then she had filed an application under Section 156 (3) Cr.P.C. which is still pending.

4. Learned counsel further submits as opposite party no.2 has misused the liberty of bail granted to him, therefore, bail granted to him should be cancelled.

5. Learned AGA also submits that as per the application moved by the applicant, it appears that after release on bail opposite party no.2 is continuously threatening her and therefore, it appears that he has misused the liberty of bail granted to him.

6. I have heard both the parties and peruse the record.

7. The instant bail cancellation application has been moved on the ground that after release on bail, opposite party no.2 is continuously threatening the applicant/informant but, in my

considered view, on the basis of such application, the bail granted to an accused should not be cancelled and if on the basis of such application, bail granted to the accused is cancelled, then this court will open a pandora box and endless litigation will start between both the parties.

8. It is easy to reject a bail application but it is very difficult to cancel the bail already granted and for cancellation, very cogent and overwhelming reasons must be present which, in my view, are totally missing in the present matter.

9. Therefore, considering the facts and circumstances of the case as discussed above, in my view, the instant bail cancellation application is devoid of metrics and, is accordingly, **dismissed**.

Order Date :- 8.11.2023

Madhurima